

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1417740-0

Total Deleted Page(s) = 68

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FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 2/13/92

TO : DIRECTOR, FBI (44A-CG-78234)
 (ATTN: CIVIL RIGHTS UNIT)

FROM : SAC, CHICAGO (44A-CG-78234) ~~(P)~~ (SQ. 12)

SUBJECT : UNSUB(S);
 COMMANDER JON G. BURGE,
 CHICAGO POLICE OFFICERS,
 CHICAGO POLICE DEPARTMENT,
 CHICAGO, ILLINOIS;
 [REDACTED] VICTIM;
 CIVIL RIGHTS
 OO: CHICAGO

b6 -2
 b7C -2

Enclosed for the Bureau is the original and two copies of a letterhead memorandum (LHM) with attached copies of four local newspaper articles dated 2/8-11/92, concerning captioned investigation. One copy of the LHM, with attachments, was furnished to the United States Attorney's Office, Chicago, Illinois.

3 - Bureau (Enc. 3)
 (attachments 4)
 ② - Chicago
 JLS/cjy
 (5) *CJM*

44A-CG-78234-37

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 14 1992	
FBI - CHICAGO	

1030

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Chicago, Illinois 60604

February 13, 1992

UNKNOWN SUBJECT(S);
COMMANDER JON G. BURGE,
CHICAGO POLICE OFFICERS,
CHICAGO POLICE DEPARTMENT,
CHICAGO, ILLINOIS;

[REDACTED] - VICTIM
CIVIL RIGHTS

b6 -2,-5
b7C -2,-5

On February 4, 1992, [REDACTED]

[REDACTED] telephone [REDACTED] advised that her group has received complaints regarding acts of torture by Chicago Police Officers, specifically in Area 2, where the victims alleged that they were coerced into confessing to crimes they did or did not commit.

[REDACTED] advised that in [REDACTED] victim was arrested and [REDACTED] by Area 2 Detectives regarding [REDACTED]

b3 -2
b6 -2,-5
b7C -2,-5

[REDACTED] advised that this case was scheduled for hearings in [REDACTED] therefore, she will recontact [REDACTED] for an update and try to persuade them to contact the FEDERAL BUREAU OF INVESTIGATION (FBI). Along these same lines, [REDACTED] stated that she will check her files for additional cases in which the victims alleged their confessions were coerced.

On February 5, 1992, [REDACTED]

[REDACTED] Suite [REDACTED] telephone [REDACTED] advised that the Appellate Division has no recordkeeping ability that would allow information to be readily retrieved regarding victims who alleged that their confessions were coerced by Chicago Police Officers. [REDACTED] advised that one of their clients [REDACTED] advised that his confession was coerced. However, he will need some time to compile a list of additional clients who alleged that their confessions were obtained through torture and other forms of coercion by Chicago Police Officers.

b6 -2,-5
b7C -2,-5

- 3 - Bureau
- 1 - USA, Chicago (Attn: AUSA [REDACTED])
- ② - Chicago

JLS/cjy

(6)

CM

b6 -3
b7C -3

UNKNOWN SUBJECT(S);
COMMANDER JON G. BURGE

On February 7, 1992, [redacted] Investigator, b6 -2,-4,-5
OFFICE OF PROFESSIONAL STANDARDS, CHICAGO POLICE DEPARTMENT b7C -2,-4,-5
(CPD), telephone [redacted] advised that the City Police Board
hearings regarding BURGE and two other CPD Detectives were moved
from police headquarters to the Everett McKinley-Dirksen Federal
Building for security reasons. She stated that [redacted] and
other incarcerated witnesses had voiced some concerns about the
hearings being held in a police environment. She also stated
that there were some concerns of wardens about the escape risk of
their prisoners.

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

SUN-TIMES

CHICAGO, IL

Date: 2/8/92

Edition: 5* SPORTS FINAL

Title: REPORT CITES 12 YEARS
OF S. SIDE COP BRUTALITYCharacter:
or

Classification:

Submitting Office: CHICAGO

Indexing:

Report cites 12 years of S. Side cop brutality

By Charles Nicodemus

Staff Writer

A long-suppressed Police Department report says crime suspects were "systematically" brutalized at Area 2 detective headquarters for 12 years and that "particular" top commanders there knew of the abuses.

The October, 1990, study of 50 alleged abuse victims by an investigator for the department's civilian-staffed Office of Professional Standards was ordered released Friday by U.S. District Judge Milton I. Shadur in connection with a police brutality suit.

Police Supt. LeRoy Martin, who commanded the Far South Side headquarters for nine months during the 1974-to-1986 period studied, attacked the report prepared by investigator Michael Goldston.

"The methodology used for the report is flawed and unsubstantiated, bringing into serious question the credibility of its conclusions," Martin said.

He said a preliminary review of the report by the Washington-based Police Foundation found that because of "gaps in the data" and other "inconsistencies," the material does "not necessarily support investigator Goldston's conclusion" of systematic abuse.

As for the allegation that certain unidentified Area 2 commanders were aware of the abuse of suspects, Martin said, "It's a lie, an outright lie. Whoever said that doesn't know what they're talking about."

Mayor Daley also lashed out at the report, saying its conclusions were "too broad" and were based in part on "allegations still under investigation."

Daley, state's attorney during part of the period studied, has been accused by critics of failing to investigate allegations of police misconduct.

Release of the Goldston report comes three days before the opening

of civilian Police Board hearings on Office of Professional Standards brutality charges against Cmdr. Jon Burge and two of his detectives. Burge formerly headed the Area 2 violent crimes unit, and the Goldston study was included in the OPS investigation of him.

The hearings starting Monday will probe allegations by convicted cop killer Andrew Wilson that Burge and Detective John Yucaitis tortured him to obtain his confession in February, 1982, and that Detective Patrick O'Hara was aware of the torture and failed to report it.

Release of the Goldston report was forced Friday by attorney Flint Taylor. He represented Wilson in two unsuccessful federal damage suits against Burge and was researching an unrelated brutality case when the Goldston report came to light.

Taylor said Martin "sat on" the Goldston report for 15 months.

(Mount Clipping in Space Below)

Police brutality study kept sealed for months

By Charles Nicodemus

Staff Writer

Like a ticking time bomb, the "Goldston report," which charged longtime police brutality at Area 2 detective headquarters, lay sealed in U.S. District Court files for months.

Friday, it exploded into view—with Police Supt. LeRoy Martin expressing outrage at its charge that "systematic" abuses were condoned by commanders at Area 2, which Martin once headed.

The report cited cases in which police allegedly gave electrical shocks to prisoners by attaching alligator clips to various parts of their bodies, the current being generated by a device resembling a hand-crank telephone box. Other alleged torture included a practice known as "bagging" in which a plastic bag would be tied around the neck of a suspect, leading the prisoner to believe he was going to suffocate. In some cases, the prisoner passed out, the report said.

The report also angered Mayor Daley and focused further attention on tomorrow's opening of police brutality hearings for former Cmdr. Jon Burge and two other officers.

After the long-secret study was made public Friday in federal court, Daley's and Martin's criticisms raised serious questions about its validity.

But whatever the report's merits, Daley's reaction—condemning the report as "too broad" and its charges as "unsubstantiated"—seemed ironic.

The 160-page statistical study and analysis was written by Michael Goldston, an investigator for the Office of

Professional Standards, the Police Department's civilian-staffed unit created to investigate allegations of brutality.

The agency is headed by Gayle Shines, whom Daley named to the job in May, 1990, to toughen up the much-criticized agency.

Shines supervised the Goldston study of 50 allegations of police brutality at Area 2 between 1974 and 1986. Shines sent it to Martin on Nov. 2, 1990, calling it a "masterful job" whose "conclusions are compelling."

At the same time, Shines also gave Martin another report, by investigator Francine Sanders. It dealt only with convicted cop-killer Andrew Wilson's contention that his confession had been extracted through torture by Burge and his detectives.

One year later, Martin used the Sanders report as the basis for his recommendation to the Police Board that Burge and two detectives, John Yucaitis and Patrick O'Hara, be fired. But the Goldston report never was publicized.

Attorney Flint Taylor, who forced its disclosure last week, contends that Martin "covered up the report" because Martin was Area 2 detective commander for nine months in 1988.

Martin retorted that anyone who said any Area 2 commander had condoned brutality was lying. He said he had kept the Goldston report secret because he believed Goldston's methods and findings were flawed.

To get an "independent" evaluation, Martin said, he contacted the Police Foundation, a Washington, D.C.-based

(Indicate page, name of newspaper, city and state.)

SUN-TIMES
CHICAGO, IL

Date: 2/9/92
Edition: 5* SPORTS FINAL

Title: POLICE BRUTALITY STUDY
KEPT SEALED FOR MONTHS

Character:
or
Classification:
Submitting Office: CHICAGO

Indexing:

"think tank" staffed by former police officials, in October, 1991.

Taylor on Friday called the action "unprecedented" and said the foundation was not "independent."

Taylor, an attorney with the People's Law Office and a crusader against police brutality, learned of the report last year while preparing for the trial of an unrelated brutality lawsuit. The city provided a copy only on the condition that it remain secret.

U.S. District Judge Milton Shadur unsealed the report Friday.

Martin then revealed a preliminary response from the Police Foundation, which questioned the report's conclusions.

Correspondence between Martin and the Police Foundation, released later Friday by Martin to discredit the Goldston report, also reveals Burge was the target of 51 percent of the abuse charges from the 50 alleged victims who figured in the OPS study.

William Kunkle, Burge's attorney, called the report "garbage" and stressed that it was inadmissible in the upcoming hearings.

Taylor noted that tickets for a fundraiser to help pay the accused officers' legal bills are being sold in district police stations. Said Taylor:

"On the one hand, we have a Police Department report detailing systematic police brutality, and on the other hand, police are peddling tickets in police stations in an attempt to help keep officers accused of brutality on the force.

"Looks like we have South African-style police repression in Chicago."

(Mount Clipping in Space Below)

Cop killer testifies to jail torture

Inmate accuses Cmdr. and two detectives

by Scott Burnham

Convicted killer Andrew Wilson testified Monday he was beaten severely and nearly electrocuted and suffocated during several

hours of interrogation following his arrest for the murders of two Chicago police officers nearly 10 years ago.

The police board hearing, conducted at the Dirksen Federal Building for security purposes, began Monday morning to review dismissal charges against Area 3 Commander Jon Burge and two detectives. The three defendants were suspended from the force, without pay, last November and are now fighting to regain their jobs.

Wilson, currently serving a life prison sentence in the Pontiac Correctional facility, appeared before hearing chief Michael Berland to provide a horrifying, but less than riveting, account of the methods of torture the officers allegedly administered to extract a confession.

Lawyers representing the Police Department allege the torture was

(continued on page 22)

(Indicate page, name of newspaper, city and state.) Page 1

Chicago Defender
Chicago, Illinois

Date: February 11, 1992
Edition: Vol. LXXXVI, No. 196

Title: Cop Killer Testifies
To Jail Torture

Character:

or

Classification:

Submitting Office: Chicago

Indexing:

Accuses commander, 2 detectives

(continued from page 1)

the result of the department's frustration over the deaths of three officers that same week. Wilson claims Burge told him his "reputation was at stake."

At one point, following an alleged gruesome beating at Area 2 detective headquarters, Wilson claimed Burge entered a room alone and clamored, "Fun Time!" In the company of another officer, Burge allegedly handcuffed Wilson's hands to a wall while Wilson knelt in front of a radiator.

After clamping the electrodes attached to a black box to his small fingers, Burge cranked the hand generator, causing an electronic current to surge through Wilson's body, he alleged.

"He kept cranking it," recalled Wilson nonchalantly while demonstrating on his knees. "It made my teeth grind together. I was hollering for help but he didn't have to stop because I couldn't (get the clamps) off."

Wilson contends the box was used with limited success two other times but he was able to knee an officer in the groin and another time release the electrodes from

his ears by rubbing them on his shoulders. Prior to those alleged attacks, Wilson accused another officer of attempting to suffocate him with a garbage bag.

According to Wilson's testimony, moments later, Burge tortured him with a foot-long cattle prod, which resembled a curling iron with a wire protruding from one end.

While remaining cuffed in front of the radiator, Wilson claimed Burge "rubbed it around my legs up and down very slowly (about three or four times). It was tingling (feeling.) On the last pass, he jabbed it into the center of my back. (The impact) slammed me into the grill."

Wilson then began regurgitating blood and the torture momentarily stopped, he alleged.

When Burge confronted him again hours later at another location, Wilson said the lieutenant "was playing with his gun in my mouth clicking it back and forth. I agreed to make a statement to keep from getting shot," he claimed.

During the testimony, Wilson, dressed in blue jacket and jeans,

Burge reportedly cracked smiles at his fellow defendants, John Yucaitis and Patrick O'Hara, and shook his head in disbelief.

A plethora of spectators filed into the packed courtroom passing through two metal detectors and hand searches of all bags. Several police officers sat with the brother of William Fahey, one of the officers whom Wilson was convicted of killing. Members of anti-police brutality groups were also in attendance.

Despite the graphic testimony, Wilson, many times, appeared confused and uncertain about his account as evidenced by mistakenly identifying officers. The defendant's attorney, William Kunkle, will most likely capitalize on the inconsistencies in the days to come.

Officer John Dineen president of the Fraternal Order of Police, said late Monday Wilson's story has changed dramatically throughout the years and that the word of a convicted killer is less than convincing.

Throughout the decade-long investigation, the officers have maintained their innocence and were acquitted by two civil juries.

(Mount Clipping in Space Below)

Burge-case panel hears of torture

By Sharman Stein

Ten years after his arrest for the killing of two police officers, Andrew Wilson lifted his shirt Monday and displayed to a packed courtroom the scars he says he suffered while being tortured by three Chicago police officers.

Wilson was the first witness Monday in the first day of hearings before the Police Board, which may hear four to six weeks of testimony.

The city is seeking for the first time, through this administrative proceeding, to dismiss Cmdr. Jon Burge, Detective John A. Yucaitis and Detective Patrick J. O'Hara, the officers accused of torturing Wilson.

The officers, all of whom were present at the hearing, deny the charges, which have not been proved in two federal court cases and a previous police investigation.

Burge, Yucaitis and O'Hara have been suspended since November. If the charges are sustained, Burge would be the highest-ranking Chicago police official to be dismissed in 20 years.

Andrew Wilson and his brother, Jackie, were convicted of the murders and are serving life sentences without parole.

"The question is, why did this happen?" said city attorney June Ghezzi, in an opening statement.

"It happened for two reasons. He was just arrested for the murder of two Chicago police officers, and there had been three deaths of police officers over one week.

"The first purpose was to extract a confession," Ghezzi said. "The second was to extract a pound of flesh, to punish him because the officers were so upset about the murder of the police officers."

William Kunkle Jr., one of the lawyers for the three accused officers, reserved his opening statement for a later time.

But in afternoon cross-examination
See Police, pg. 8

(Indicate page, name of newspaper, city and state.) Page 1
Section 2

Chicago Tribune
Chicago, Illinois

Date February 11, 1992
Edition North Sports Final

Title: Burge-Case Panel Hears
Of Torture

Character:

or

Classification:

Submitting Office: Chicago

Indexing:

Police

Continued from page 1

nation of Wilson, Kunkle insisted upon delving into Wilson's whereabouts and activities from Feb. 9, 1982, when the police officers were murdered, and Feb. 14, 1982, when Wilson was arrested at a South Side apartment.

Kunkle insisted that during those days Wilson had time to learn from other people what the police knew about his involvement in the shootings of the officers and therefore how to plan his later statements of torture when he was arrested.

Although Wilson took the 5th Amendment and refused to answer many of the questions at the advice of an attorney representing him in a criminal appeal, Kunkle said he expected to "utilize the right of negative inference" regarding Wilson's refusal to answer.

Hearing Officer Michael Berland granted the request.

Wilson, who was permitted at the city's request to testify without wearing handcuffs or manacles, detailed in a low-key voice the beatings, electrical shocks and choking he said he suffered at the hands of Burge and others following his arrest at 5:15 a.m. that Feb. 14.

Burge and the other two officers kept a steady eye on Wilson and occasionally looked at each other during his testimony.

Frequently sounding irritated by the questions, Wilson described how he was taken by police officers to a second-floor room at the old Burnside Area detective headquarters at 9059 S. Cottage Grove Ave. There, he said, Yucaitis, among others, "started beating me up, hitting me, kicking me, slapping me, basically just beating up on me."

Wilson said officers hit him with their fists, kicked him, dragged him around the room, and knocked



Jon Burge and two other officers face dismissal if charges of torture are sustained.

him onto the floor. He said an officer placed a plastic garbage bag over his head until he bit a hole through it, and then threw him against a window, causing the glass to shatter.

When Burge entered the room during some of the beating, Wilson testified, he [Burge] observed what was happening. "He said if it had been him, he wouldn't have messed my face up, he wouldn't damage me where it would be noticed," Wilson said.

Later, Wilson said, first Yucaitis and later Burge shocked him with a "black box" by attaching clips to his ear and nostril and cranking the box to produce an electrical current. The shock was so great in the first session, Wilson said, that he "kneed" Yucaitis, who then punched him in the mouth.

He said Yucaitis continued cranking the box and shocking him, but Wilson's shouts brought attention to the room and the abuse stopped.

Later, Wilson said, Burge took

him to a second room. Producing the brown paper bag containing the electrical device, Wilson said Burge announced it was "fun time," and then attached the clips to his ears.

When Wilson was able to nudge off the clips on his ears by lowering his chin against his shoulder, Wilson said, Burge stretched him across the radiator in the room, handcuffed him in place and re-attached the clamps to his little fingers.

"I was hollering for help," Wilson said. "I think I spit some blood out, and he stopped."

Wilson also testified that when he was later transported to Wentworth Area headquarters, where he was urged to make a statement, he was left alone in a room with Burge.

"He had his gun inside my mouth, and he was clicking it back and forth, cocking it," Wilson said. "He told me that if I gave a statement, what happened earlier wouldn't reoccur."

In his initial cross-examination, Kunkle asked Wilson whether any of the officers had questioned him about the killing of the police officers, to which Wilson said no. Kunkle then tried to ascertain where Wilson slept on the nights before his arrest, whether he was worried about anything and other questions related to Wilson's whereabouts and state of mind.

"I am arguing that what happened between Feb. 9 and Feb. 14 is important to the credibility of Wilson's account of what happened at the police stations on Feb. 14," Kunkle said.

An internal Police Department report released Friday by a federal court judge charges that "systematic torture" was perpetrated by at least seven police officers at the South Side police station from 1973 to 1986 and that police supervisors in the Burnside Area knew about and condoned the abuse.

REGISTERED MAIL REQUEST FORM

File # 44 A CG- 78234

of Boxes: _____

Mail Boxes To: _____

DEPARTMENT OF JUSTICE; (ATTN:)
P.O. BOX 66018
WASHINGTON D.C. 20530

b6 -1, -3
b7C -1, -3

Requested By: SA

Mail Room: Fill in information and
return to employee
requesting box(es) to be
mailed.

Registered Number: B588 204 227, 228

Initials of Night Clerk: ADP

Return To SA Squad 12

b6 -1
b7C -1

44A CG 78234-38

44 A 11-78234-39

SEARCHED	INDEXED
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MAR 05 1992	
FBI CHICAGO	
	VHM

b6 -1
b7C -1

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/28/92

[redacted]
[redacted]
[redacted] telephone number [redacted] was contacted at the above location and advised of the identity of the Special Agents.

b3 -1
b6 -4, 5
b7C -4, 5

The Agents then served [redacted] with a Federal Grand Jury Subpeona, dated [redacted]. The Subpeona directed the [redacted] to the Special October, 1990-1 Grand Jury

b3 -1
b6 -2,-4,-5
b7C -2,-4,-5

[redacted] stated that he understood what the Subpeona was requesting and that [redacted] to the United States Attorney's Office, Northern District of Illinois, to the attention of Assistant United States Attorney [redacted]

A copy of the Return of Service Subpeona has been placed in a 1A evidence envelope (FD-340) for this file.

b3 -1
b6 -3, -4, -5
b7C -3, -4, -5

2/27/92
302

b6 -4, -5
b7C -4, -5

Investigation on 2/27/92 at Chicago, Illinois File # 44A-CG-78234

by SAS [redacted] VAS/gm Date dictated 2/27/92

b6 -1
b7C -1

44A-CG-78234-40

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 05 1992	
FBI - CHICAGO	
IMK	

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/4/92

[redacted] Telephone Number: [redacted]
 [redacted] advised that [redacted] an inmate at [redacted]
 [redacted] may be an individual the FEDERAL BUREAU
 OF INVESTIGATION (FBI) could contact regarding his alleged
 coerced confession in 1986.

b6 -2,-5
b7C -2,-5

[redacted] advised that [redacted]
 [redacted] alleged that his civil
 rights were violated when he was arrested and beaten by Chicago
 Police Officers at Police Headquarters, 1100 South State Street.
 She advised that [redacted] asked to testify at the current the
 JON BURGE Police Board hearing, but was not allowed.

b6 -2,-5,-6
b7C -2,-5,-6

[redacted] advised that attorney [redacted] Telephone
 Number: [redacted] is representing [redacted] in his appeal.
 However, [redacted] may be reached through [redacted] Unit
 Superintendent at MCC, Telephone Number: [redacted]

[redacted] advised that the [redacted] who
 alleges police brutality by Chicago Police officers has postponed

b3 -2
b6 -2,-5
b7C -2,-5

[redacted] She advised that the
 [redacted]
 before. [redacted] believes the [redacted]
 [redacted]

3/2/92
 302

b6 -5
b7C -5Investigation on 3/2/92 at Chicago, Illinois File # 44A-CG-78234 -4Dby SA [redacted] JLS/blt Date dictated 3/3/92b6 -1
b7C -1

44A-Cg-78234-41

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MAR 13 1992	
FBI - CHICAGO	
[Signature]	

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/10/92b3 -1
b6 -1, -4, -5
b7C -1, -4, -5

[redacted]
[redacted]
[redacted] telephone [redacted] provided copies of the
below described documents to Special Agent (SA) [redacted]
pursuant to a Federal Grand Jury Subpoena served to [redacted]
[redacted] by SA's [redacted] and [redacted] on [redacted]
[redacted]
[redacted]

b3 -1
b6 -2, -4, -5, -7
b7C -2, -4, -5, -7

3/9/92

b6 -4, -5
b7C -4, -5

INT.

Investigation on 3/9/92 at Chicago, Illinois File # 44A-CG-78234 *LD*by SA [redacted] *is* Date dictated 3/9/92b6 -1
b7C -1

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency;
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19-cv-4048(FBI)-521

44A-Cg-78234-42

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 17 1992	
FBI - CHICAGO	
MMA	

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/13/92b6 -2,-5,-6
b7C -2,-5,-6

[redacted]
[redacted] telephone [redacted]
advised that [redacted] can also
be reached at telephone [redacted]

[redacted] advised that other suspects who alleges that
their confessions were coerced are as follows: b6 -2,-5,-6
b7C -2,-5,-6

[redacted] (1985) currently represented by Attorney
[redacted] telephone [redacted] Attorney [redacted] is preparing
[redacted] appeal pro bono.

[redacted] (1984) no additional information at
this time.

[redacted] (1982) [redacted] is attempting to get
necessary papers to file for his appeal.

3/13/92
302

b6 -5
b7C -5

Investigation on 3/10/92 at Chicago, Illinois File # 44A-CG-78234

b6 -1
b7C -1

by SA [redacted] adw Date dictated 3/12/92

44A-CG-78234-43

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 12 1992	
FBI - CHICAGO	
IMB	

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 3/11/92

TO : DIRECTOR, FBI (44A-CG-78234)
 (ATTN: CIVIL RIGHTS UNIT)

FROM : SAC, CHICAGO (44A-CG-78234) (X) (SQ 12)

SUBJECT : UNSUB(S);
 COMMANDER JON G. BURGE,
 CHICAGO POLICE OFFICERS,
 CHICAGO POLICE DEPARTMENT,
 CHICAGO, ILLINOIS.
 [REDACTED] - VICTIM;
 CIVIL RIGHTS;
 OO: CHICAGO

b6 -2
 b7C -2

Re telcall to Department of Justice (DOJ) Attorney
 [REDACTED] dated 3/10/92.

b6 -3
 b7C -3

Submitted under separate cover via registered U.S.
 mail for DOJ Attorney [REDACTED] are the listed items of evidence
 from LHM attachments.

Enclosed for the Bureau is the original and two (2)
 copies of a letterhead memorandum (LHM) with attached copies
 (3 pages) of a List of Evidence related to the [REDACTED]
 case. One copy of the LHM with attachments was furnished to
 the United States Attorney's Office, Chicago, Illinois.

b6 -2
 b7C -2

3 - Bureau (Enc. 3, with attachments)
 1 - Package Copy
 ② - Chicago
 JLS:js
 (6) JH

44A-CG-78234-43
 [Signature]

Approved: _____ Transmitted _____
 (Number) (Time)

Per _____



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

219 South Dearborn #905
Chicago, Illinois 60604

March 11, 1992

UNKNOWN SUBJECT(S);
COMMANDER JON G. BURGE,
CHICAGO POLICE OFFICERS,
CHICAGO POLICE DEPARTMENT,
CHICAGO, ILLINOIS.
[REDACTED] VICTIM;
CIVIL RIGHTS;

b6 -2
b7C -2

Submitted files and reports were obtained pursuant to
two Federal Grand Jury subpoenas served to [REDACTED]

[REDACTED]
to the Grand Jury, [REDACTED]
[REDACTED]

b3 -1
b6 -2
b7C -2

3 - Bureau
1 - Package Copy
1 - USA Chicago
(Attn: AUSA [REDACTED])
2 - Chicago
JLS:js
(7)

b6 -3
b7C -3

44A-CF-78234-44

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 17 1992	
FBI - CHICAGO	
MB	

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/13/92

[redacted] Attorney, ILLINOIS PUBLIC DEFENDER'S OFFICE, State of Illinois Building, 100 W. Randolph Street, Chicago, Illinois 60601, telephone number [redacted] advised that she represented [redacted] when he testified at his suppression hearing last year. [redacted] advised that [redacted] alleged that [redacted] were arrested in [redacted] by Area II Detectives and they were physically abused by Detectives [redacted] alleged that these Detectives "bagged" him (placed a plastic bag over his head to impair breathing until he confessed to the crime). She further stated that [redacted] is on [redacted] [redacted] is incarcerated at [redacted]

b6 -2,-4,-5,-7
b7C -2,-4,-5,-7

[redacted] stated that she is no longer representing [redacted] but she will forward copies of the suppression hearing records to the FEDERAL BUREAU OF INVESTIGATION's (FBI) office. [redacted] stated that she will contact [redacted] current attorneys and have them contact the FBI.

b6 -2,-5
b7C -2,-5

3/12/92

302

b6 -5
b7C -5Investigation on 3/12/92 at Chicago, Illinois File # 44A-CG-78234 -44

by SA [redacted] wwk

Date dictated 3/13/92b6 -1
b7C -1

44A-G-78234-45

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 20 1991	
FBI - CHICAGO	
	Dme

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/19/91

[redacted] Office of Professional Standards, CHICAGO POLICE DEPARTMENT CPD, 1024 South Wabash, Chicago, Illinois 60605. telephone number [redacted] advised that [redacted] CPD has informed her about assigning a Monitoring Investigator to disseminate information to the FEDERAL BUREAU OF INVESTIGATION regarding the Chicago Police Board hearing on the excessive force charges against Commander JON G. BURGE and Detectives under his supervision during the arrest and interrogation of [redacted]

b6 -2,-4,-5
b7C -2,-4,-5

[redacted] advised that [redacted] telephone number [redacted] is the regular Investigator assigned to monitor the Chicago Police Board hearings. Therefore, Investigator [redacted] or herself [redacted] may be contacted regarding the Commander BURGE case before the Board. [redacted] advised that November 25, 1991 is the initial status call before the Board and she understands that [redacted] attorneys plan to file a motion requesting that a Special Prosecutor be appointed to present the city's case against BURGE.

b6 -2,-4,-5
b7C -2,-4,-5

Investigation on 11/18/91 at Chicago, Illinois File # 44A-CG-78234 -45
by SA [redacted] /krs Date dictated 11/18/91

b6 -1
b7C -1

44A-CG-78234-46

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 10 1992	
FBI - CHICAGO	
[Redacted] B	

mh

5A

b6 -1
b7C -1

2/4/92 302
[Redacted]

b6 -5
b7C -5

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/3/92

[redacted]
[redacted] telephone [redacted]
advised that her group has received complaints regarding acts of torture by Chicago Police Officers, specifically in Area II where the victims were coerced into confessing to crimes they did or did not commit.

b6 -5
b7C -5

[redacted] advised that in [redacted]
victim was arrested and [redacted] by Area II
Detective regarding [redacted] The [redacted]

b3 -2
b6 -2,-5
b7C -2,-5

[redacted] advised
that [redacted]

[redacted] advised that
this case was scheduled for hearings in [redacted] therefore
she will recontact [redacted] for an update and try and persuade
them to contact the Federal Bureau of Investigation. Along these
same lines [redacted] stated that she will check her files for
additional victims whose confessions were coerced.

b6 -2,-5
b7C -2,-5

[redacted] stated that in July, 1989 CITIZENS ALERT filed a
complaint on behalf of [redacted] who was arrested and tortured
by JON BURGE and other Area II Detectives on [redacted]

[redacted] advised that [redacted] who is represented by
[redacted]
(who filed a [redacted])
[redacted] is scheduled for a final hearing on February 6, 1992.

b6 -2,-5, -6
b7C -2,-5, -6

[redacted] further advised that most of the complaints
CITIZENS ALERT received were passed onto [redacted] of PEOPLE'S
LAW OFFICE.

Investigation on 2/4/92 at Chicago, Illinois File # 44A-CG-78234 -46by SA [redacted] ^{JH} krs Date dictated 2/4/92b6 -1
b7C -1

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/5/92

[redacted]
[redacted]
[redacted] telephone [redacted] advised that the Appellate Division has no record keeping ability that would allow information to be readily retrieved regarding victims who alleged that their confessions were coerced by CHICAGO POLICE DEPARTMENT (CPD) officers. [redacted] advised that generally speaking when a confession is involved in a case, the attorneys figure a not guilty verdict is out of the question. Unless, the defendant can show police officers physically abused him to obtain the coerced confession. He stated there must be some medical evidence to collaborate the defendant's allegations.

b6 -5
b7C -5

[redacted] advised that one of their clients [redacted] [redacted] advised that his confession was coerced. However, he will need some time to compile a list of additional clients who alleged that their confessions were obtained through torture and other forms of coercion by CPD officers.

b6 -2,-5
b7C -2,-52/5/92
302b6 -5
b7C -5

44ACh-78234-47-

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 10 1992	
FBI - CHICAGO	
[signature]	

Investigation on 2/5/92 at CHICAGO, ILLINOIS File # 44A-CG-78234 - 4by SA [redacted] / it [redacted] Date dictated 2/5/92b6 -1
b7C -1

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

19-cv-4048(FBI)-545

44A-Cg-78234-48

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 28 1992	
FBI - CHICAGO	
MKS	

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/25/92

Sergeant (Sgt.) [] CHICAGO POLICE DEPARTMENT
(CPD), Office of Legal Affairs, Room 403, 1121 South State
Street, Chicago, Illinois 60605, telephone number []
advised that [] an investigator for the Office of
Professional Standards (OPS), prepared a report which cited []
[]

b6 -4,-5
b7C -4,-5

Sgt. [] advised that the [] report and any
other investigative reports of the CPD may be obtained by a
Federal Grand Jury Subpoena.

b6 -4,-5
b7C -4,-5*2/25/92 302**CPD**OPS
REPORT**re: BRUTALITY*

Investigation on 2/24/92 at Chicago, Illinois File # 44A-CG-78234

b6 -1
b7C -1

by SA [] /rml Date dictated 2/25/92



FBI FACSIMILE COVERSHEET

CLASSIFICATION

PRECEDENCE

- ☐ Immediate
☐ Priority
☒ Routine

- ☐ Top Secret
☐ Secret
☐ Confidential
☐ Sensitive
☐ Unclassified

Time Transmitted: _____

Sender's Initials: _____

Number of Pages: _____

To: FBLHQ- CIVIL RIGHTS UNIT
 (Name of Office)

Date: 3/3/92Facsimile number: 8/324-3155

Attn: _____

(Name)

Room

Telephone No.)

b6 -1
b7C -1

From: CHICAGO DIVISON
 (Name of Office)

Subject: COMMANDER JON G. BURGE

Special Handling Instructions: _____

Originator's Name: SA. _____

8/380-2500

Telephone: 312/431-1333

b6 -1
b7C -1

Originator's Facsimile Number: _____

Approved: _____

144A66-78234-419

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 3 1992	
FBI/DOJ	

44A-Cg-78234-50

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 24 1992	
FBI - CHICAGO	
ME	

- 11 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/24/92

[redacted] Attorney, ILLINOIS PUBLIC DEFENDER'S OFFICE, State of Illinois Building, 100 West Randolph Street, Chicago, Illinois 60601, telephone number [redacted] advised that the current attorneys representing [redacted] have consented for her to forward information regarding their client to the FEDERAL BUREAU OF INVESTIGATION (FBI). [redacted] advised that this information will consist of the following: Dates of arrest, dates of all legal proceeding including [redacted] hearing testimony and arguments filed during his direct appeal.

b6 -2,-5
b7C -2,-5

[redacted] advised that [redacted] telephone number [redacted] is representing [redacted]

b6 -2,-5,-6
b7C -2,-5,-6

[redacted] further advised that [redacted] of her office, telephone number [redacted] is representing a client named [redacted] who alleges that his confession was coerced by Area II detectives.

b6 -2,-5,-6
b7C -2,-5,-6

Investigation on 3/24/92 at Chicago, Illinois File # 44A-CG-78234

by SA [redacted] JLS:rcb Date dictated 3/24/92

b6 -1
b7C -1

44A-CG-78234-51

SEARCHED	INDEXED
SERIALIZED	FILED
APR 03 1992	
FBI — CHICAGO	

174

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/20/92b6 -2,-5,-6
b7C -2,-5,-6

[redacted] Attorney, [redacted]
[redacted] telephone [redacted] advised
that in January, 1991, her firm received a request from [redacted]
[redacted] of the State of Illinois Appellate Defenders Office, to
take [redacted] [redacted] advised that on
June 26, 1991, she filed brief and argument for [redacted]
direct appeal in the Illinois Court of Appeals, Case Number 86
CR, 6091. On January 29, 1992, the state filed their brief and
argument and she will file her reply brief and argument on April
13, 1992.

b6 -2,-5
b7C -2,-5

[redacted] advised that at the time of [redacted]
arrest, he identified an unknown redheaded Chicago Police officer
as the one who tortured and supervised the torturing of him to
obtain a confession. When [redacted] saw a photograph of
Commander JON G. BURGE, he identified him as the same redheaded
Chicago police officer who tortured him.

b6 -2,-5
b7C -2,-5

[redacted] advised that [redacted] is on [redacted] No
physical evidence or eyewitness testimony was produced to link
[redacted] to the crime. He was convicted solely on his signed
confession.

[redacted] advised that this is the only case her firm
is handling where the client alleged that his confession was
coerced by the CHICAGO POLICE DEPARTMENT. She agreed to forward
the chronology of [redacted] proceedings that have taken
place to date, along with a copy of her brief and argument filed
in the Appeals Court on June 26, 1991, to the FEDERAL BUREAU OF
INVESTIGATION (FBI).

b6 -2,-5
b7C -2,-5

Investigation on 3/13/92 at Chicago, Illinois File # 44A-CG-78234

by SA [redacted] is _____ Date dictated 3/17/92

b6 -1
b7C -1

44A-CG-78234-52

SEARCHED	INDEXED
SERIALIZED	FILED
APR 03 1992	
FBI — CHICAGO	
[Signature]	

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription

4/3/92

b6 -2,-4,-5

b7C -2,-4,-5

[redacted] Attorney, OFFICE OF THE STATE APPELLATE DEFENDER, First Judicial District, State of Illinois Center, 100 West Randolph Street, Suite 5-500, Chicago, Illinois 60601, telephone [redacted] advised that [redacted] was a [redacted] [redacted] when they were arrested on [redacted] [redacted] He was taken to Area II and tortured (beaten and bagged) by Officers [redacted] under the supervision of Lieutenant JON BURGE.

[redacted] advised that he represented [redacted] at his suppression hearing on May 15, 1985. In his arguments he raised the involuntary confession and the illegal arrest issue. [redacted] stated they lost the appeal mainly because there were not enough evidence of physical abuse, therefore, it was [redacted] word against the police officers. However, there was more physical evidence in [redacted] case which caused the Illinois Appellate Court to reverse his [redacted] conviction.

b6 -2,-5

b7C -2,-5

[redacted] advised that [redacted] testified at [redacted] suppression hearing, stating that he was also physically abused by Area II Detectives in a similar pattern. [redacted] advised that he would forward a copy of his brief and argument to the FEDERAL BUREAU OF INVESTIGATION (FBI), Chicago Office.

b6 -2,-5

b7C -2,-5

3/30/92

302



b6 -5

b7C -5

Investigation on 3/30/92 at Chicago, Illinois File # 44A-CG-78234

by SA [redacted] is Date dictated 3/30/92

b6 -1

b7C -1

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 4/02/92

TO : DIRECTOR, FBI (44A-CG-78234)
 ATTN: CIVIL RIGHTS UNIT

FROM : SAC, CHICAGO (44A-CG-78234) (SQUAD 12) ~~(X)~~

SUBJECT : UNSUB(S); COMMANDER JON G. BURGE,
 CHICAGO POLICE OFFICERS,
 CHICAGO POLICE DEPARTMENT,
 CHICAGO, ILLINOIS;

b6 -2

b7C -2

[REDACTED] VICTIM;

CIVIL RIGHTS
 OO: CHICAGO

Enclosed for the Bureau is the original and two copies of a letterhead memorandum (LHM) with attached copies of three local newspaper articles dated March 20 and March 21, 1992, concerning captioned investigation. One copy of the LHM, with attachments was furnished to the U.S. ATTORNEY'S Office, Chicago, Illinois.

3-Bureau (Encl. 3 w/attachments)

(2)-Chicago

JLS/rml

(5) *JS*

1*

44A-CG-78234-53

SEARCHED	INDEXED
SERIALIZED	FILED
APR 03 1992	
FBI - CHICAGO	
[Signature]	

Approved: _____

Transmitted _____

(Number) (Time)

Per _____



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Chicago, Illinois 60604
April 2, 1992

UNKNOWN SUBJECT(S);
COMMANDER JON G. BURGE,
CHICAGO POLICE OFFICERS,
CHICAGO POLICE DEPARTMENT,
CHICAGO, ILLINOIS;
[REDACTED] VICTIM;
CIVIL RIGHTS

b6 -2
b7C -2

On March 30, 1992 [REDACTED]
[REDACTED] Office of Professional Standards (OPS), 1024 South
Wabash Avenue, Chicago, Illinois 60605, telephone [REDACTED]
advised that closing arguments to uphold the dismissal of
captioned subjects were presented to the City Police Board on
March 19, 1992. [REDACTED] advised that the Board's final ruling
is expected in about two months.

b6 -4,-5
b7C -4,-5

3-Bureau
1-USA, Chicago
(Attn: AUSA [REDACTED])
2-Chicago (44A-CG-78234)
JLS/rml
(6)

b6 -3
b7C -3

1*

(Indicate page, name of newspaper, city and state.)

(Mount Clipping in Space Below)

Burge case ruling seen far away

Chicago Police Board cases 1856, 1857 and 1858—the cases of Cmdr. Jon Burge and Detectives John Yucaitis and Patrick O'Hara—concluded Thursday with the officers' counsel arguing that there is not ample evidence of misdeeds to uphold their firings.

Also in closing hearings, the city recapitulated its rationale for dismissing the three men.

The case has focused citywide attention on allegations of brutality, torture and excessive force in the Police Department. It is the most extensive case of its kind in the police board's history.

Burge and Yucaitis are accused of brutalizing and torturing convicted cop killer Andrew Wilson in February 1982, and O'Hara of knowing about the abuse but doing nothing to stop it.

The hearings have lasted six weeks and have included about two dozen witnesses.

The final ruling, which will be made by the nine-member civilian police board, is not expected for several months.

Mark Iris, executive director, said it will likely take at least a month to compile the 5,000 to 10,000 pages of testimony from this hearing and previous judicial proceedings, upon which the board members will base their decision.

Date: March 20, 1992
Edition: Chicago Tribune
Section 2
Page 2
Title: Burge case ruling seen far away

Character:
or
Classification:
Submitting Office:

Indexing:

2-44A(6 78234-Sub B

1-

(Indicate page, name of newspaper, city and state.)

(Mount Clipping in Space Below)

Date: March 20, 1992
 Edition: Chicago Sun-Times
 Page 5 & 58

Title: Final arguments in
 cop torture case

Character:
 or
 Classification:
 Submitting Office:

Indexing:

Final arguments in cop torture case

By Charles Nicodemus

Staff Writer

Five weeks of testimony and exhibits "clearly show" Police Cmdr. Jon Burge and two of his men treated convicted cop killer Andrew Wilson "like a piece of human garbage," a Police Department special counsel contended Thursday.

In a three-hour final argument, attorney Daniel Reidy told a Po-

lice Board brutality hearing that Wilson "committed horrible crimes"—the February, 1982, murder of two Chicago policemen.

But Wilson was "a human being ... entitled to the protection of police" who, Reidy said, instead tortured him to extract a confession that he shot the officers.

However, William Kunkle, chief counsel for Burge and detectives John Yucaitis and Patrick O'Hara,

said the lengthy hearing demonstrated "conclusively" that Wilson's tale of being tortured with electrical shocks, suffocation, "Russian roulette" and beatings was "totally incredible."

"The evidence stinks," Kunkle said.

Although Reidy stressed that Wilson's story was "supported by medical evidence," and by contradictions in the police officers' sto-

Turn to Page 58

Burge

Continued from Page 5

ries, Kunkle told hearing officer Michael Berland the case must stand or fall on Wilson's credibility, "which is nil."

"You're not allowed to take a man's job away ... ruin his reputation, take his family's livelihood, if you have to read between the lines," Kunkle said during 3½ hours of summation.

Based on an investigation by the Police Department's Office of Professional Standards, Supt. LeRoy Martin suspended the three men without pay in November and recommended that the Police Board fire them. The Office of Professional Standards said Burge and Yucaitis tortured Wilson and O'Hara condoned the mistreatment by failing to report it.

Kunkle was expected to take two more hours in closing today.

The lengthy transcript of testimony from 39 witnesses, plus more than 200 exhibits, will go to the nine-member civilian Police Board, which will decide the officers' fate. No decision is expected for more than two months.

Reidy ridiculed the claim of Burge and other officers that Burge—widely reputed to be a "hands on" commander—hadn't personally questioned Wilson or even entered the Area 2 detective headquarters interrogation room, although the case was "the most important of his career ... watched by everyone on the force from the superintendent on down."

Reidy said two officers apparently "didn't get the word" about backing Burge's "noninvolvement" story. A detective who sat

outside the interview room and a "wagon man" who came to take Wilson to the central lockup both testified in earlier proceedings that they saw Burge in the room, Reidy noted.

O'Hara's conduct was "almost as bad as the others," Reidy argued, because officers who keep silent about the abuse of prisoners encourage mistreatment by other police.

Recalling that Burge had described Wilson as a "piece of human garbage," and that Officers William Fahey and Richard O'Brien had been the third and fourth lawmen shot to death in Burge's area within three weeks, Reidy said:

"The police felt they were under siege. Four 'brothers' had been killed." So the goal was "to break that piece of garbage, to make to that piece of garbage cooperate."

Kunkle cited numerous details of how Wilson—now serving a life sentence in the murders—had changed his version of events during two criminal trials and two federal civil trials in which he unsuccessfully sued police for damages.

A public defender and a County Jail doctor indicated Wilson told them he had been electro-shocked on his genitals, "but Wilson now denies ever saying that," Kunkle noted.

In court filings, Wilson has referred to being "interrogated," Kunkle said, yet Wilson insisted while on the stand he was "never actually questioned" about the murders, just tortured until he gave a statement.

During the 10 years of court proceedings, Kunkle related, "Wilson has even changed the names of the police" he says abused him.

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.) Page 4

Chicago Sun-Times
Chicago, Illinois

Date: March 21, 1992

Edition:

Title: Burge Hearing Ends With
Emotional Plea

Character:

or

Classification:

Submitting Office: Chicago

Indexing:

Burge hearing ends with emotional plea

By Charles Nicodemus

Staff Writer

With tears welling in his eyes and his voice cracking with emotion, the lawyer for Cmdr. Jon Burge and two of his detectives urged a police brutality hearing not to "believe" that [S.O.B.].

The target of attorney William Kunkle's emotional final argument, convicted cop killer Andrew Wilson, accuses Burge and his men of using torture to force his confession in the 1982 murder of two officers.

In a two-hour rebuttal to Kunkle's 4½-hour summation, Daniel Reidy, special counsel for the Police Department, said: "It is indeed a sad day. . . . It is not easy to stand here and ask for the discharge of these three officers."

"They thought it [torture] was all

right" because Wilson had killed two policemen, Reidy suggested. He said Burge and Detectives John Yucaitis and Patrick O'Hara "thought Wilson was a piece of human garbage" and the abuse "was all right, to secure a conviction they believed was just."

"But that cannot be accepted . . . even 10 years later," Reidy told hearing examiner Michael Berland.

Wilson was so battered by the time he was delivered to the central lockup, "he looked like the wreck of the Hesperus," Reidy said, and the lockup keepers refused to accept him until he received medical attention.

Such "systematic" brutality "cannot be condoned," Reidy argued.

Kunkle said, however, that none of the doctors who examined Wilson or testified at the long legal proceedings the case has spawned "agreed on a

diagnosis" of what Wilson's injuries were or how they were suffered.

"And even if you believed them, there's no proof as to who did it" among the various officers who had contact with Wilson, Kunkle said.

Reidy said the defense's theory of the case "simply doesn't hold water."

On the one hand, Reidy said, the officers claim that Wilson—a career criminal with a history of refusing to confess to lesser crimes—"wrote himself a [potential] ticket to the electric chair" by voluntarily confessing immediately after his arrest, and gave a formal statement 11 hours later.

"Then they say that in less than an hour," Wilson supposedly began "scheming and conniving" to produce his torture story, Reidy said. "It just doesn't make sense. It just didn't happen that way."

44A-Cg-78234-54

SEARCHED	INDEXED
SERIALIZED	FILED
APR 17 1992	
FBI - CHICAGO	
1186	

- 1 -

4/3/92 302

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/13/92b6 -1,-2
b7C -1,-2

[redacted]
[redacted] Telephone Number [redacted] telephonically
contacted Special Agent (SA) [redacted] and advised the
following:

[redacted] stated that [redacted]
[redacted] alleges that his civil rights were violated by
Area II detectives when they hit him in the chest and placed a
plastic bag over his head (bagging) until he could not breathe.
[redacted] advised that after the second time the detectives
placed the bag over his head, he told them that he would confess
to the [redacted]
advised that [redacted]

b6 -2, -6
b7C -2, -6

[redacted] advised that [redacted]
[redacted]

[redacted] stated that at this point, the
detectives threatened him and said if he did not sign the
confession, they would add more charges to it, therefore making
his situation worse. [redacted] advised again that he refused to
sign the confession and told the [redacted]

[redacted] advised that
after more threats, he still refused to sign the confession. He
suffered no further physical abuse by the detectives and he was
held over for his hearing the next day. [redacted] advised that
he did not require medical treatment as a result of the beating
or "bagging." [redacted] advised that one of the Police Officer
who participated in torturing him was red-headed. When he later
saw Commander JON BURGE on television during the Police Board
hearings, he identified BURGE as the same red-headed officer who
helped torture him.

b6 -2,-6
b7C -2,-6

[redacted] stated that he can not understand how he
could have been convicted when the only evidence the State had
was an involuntary confession and the word of [redacted]

Investigation on 4/3/92 at Chicago, Illinois File # 44A-CG-78234 - 54

by SA [redacted] JLS/blt Date dictated 4/10/92

b6 -1
b7C -1

44A-CG-78234

b6 -2, -6
b7C -2, -6

Continuation of FD-302 of [REDACTED], On 4/3/92, Page 2

[REDACTED] He further advised that [REDACTED]
[REDACTED] had some knowledge of the crime and is currently doing time at
[REDACTED] Illinois.

He advised that Chicago Attorney [REDACTED] is
handling his direct appeal before the ILLINOIS APPELLATE COURTS.
He further advised that this appeal was filed during the summer
of 1991. [REDACTED] advised that he has tried to contact any
agency who will listen to his story which included telephone talk
shows and newspapers. Therefore, when he heard that the FEDERAL
BUREAU OF INVESTIGATION (FBI) was interested, he had to make this
telephone call. [REDACTED] advised that if some agency would
investigate the whole case, he is sure he would be found
innocent.

b6 -2,-5
b7C -2,-5

44A-G-78234-56

SEARCHED <input checked="" type="checkbox"/>	INDEXED <input checked="" type="checkbox"/>
SERIALIZED <input checked="" type="checkbox"/>	FILED <input checked="" type="checkbox"/>
JUN 10 1992	
FBI - CHICAGO	
MB	

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/5/92

[redacted]
[redacted] telephone number [redacted]
[redacted] advised that the [redacted]
[redacted] victim who was arrested and [redacted]
about [redacted] by area III detectives has been very
[redacted]

b3 -2
b6 -2,-5
b7C -2,-5

[redacted] advised that this case was referred to [redacted]
[redacted] At that time the
[redacted]
[redacted] advised that
[redacted] is the assigned public defender and at this stage of
the criminal proceedings, [redacted] has subpoenaed records of the
police officers involved. [redacted] also attempted to subpoena JON
BURGE's records but was unsuccessful.

b3 -2
b6 -2,-5,-6
b7C -2,-5,-6

[redacted] advised that she will continue in her attempts
to re-contact [redacted]

Investigation on 6/5/92 at Chicago, Illinois File # 44A-CG-78234 -56

by SA [redacted] slm Date dictated 6/5/92

b6 -1
b7C -1

44A-CG-78234-57

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 10 1992	
FBI - CHICAGO	
WJ	

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/9/92

[redacted] Chicago Police Board,
1121 South State Street, Room 603, Chicago, Illinois 60605,
telephone number [redacted] advised that the records and
testimony generated from the Police Board hearings of the JON
BURGE case are just so voluminous that he could not at this time
give an estimate as to when the Board will be ready to give its
decision.

b6 -4,-5
b7C -4,-5

[redacted] advised that the BURGE case is the most extensive
case of its kind to come before the Police Board. The nine
member civilian board has to go through all of the testimony from
this case and at the same time continue to deliberate on other
cases that comes before it.

b6 -4,-5
b7C -4,-5

Investigation on 6/8/92 at Chicago, Illinois File # 44a-CG-78234

57

by SA [redacted] slm Date dictated 6/8/92

b6 -1
b7C -1

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

19-cv-4048(FBI)-586

44A-Cg-78234-58

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 10 1992	
FBI - CHICAGO	
IMB	

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ ~~TOP SECRET~~
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 6/9/92

TO : DIRECTOR FBI (44A-CG-78234)
 (ATTN: CIVIL RIGHTS UNIT)

FROM : SAC, CHICAGO (44A-CG-78234) (RM) (SQ. 12)

SUBJECT : UNSUB(S);
 COMMANDER JON G. BURGE,
 CHICAGO POLICE OFFICERS,
 CHICAGO POLICE DEPARTMENT,
 CHICAGO, ILLINOIS;
 [REDACTED] - VICTIM;
 CIVIL RIGHTS;
 OO: CHICAGO

b6 -2
 b7C -2

LHM
 6/92

Reference Chicago airtel to the Bureau, dated 4/2/92.

Enclosed for the Bureau is the original and two (2) copies of a Letterhead Memorandum (LHM) each with attached copies of the following:

- 1] Report of investigator [REDACTED] Star b6 -2, -4, -5
 [REDACTED] Office of Professional Standards, re:
 History of Allegations of Misconduct by Area II
 Personnel.
- 2] Report of investigator [REDACTED] Star
 [REDACTED] Office of Professional Standards, re:
 analysis of [REDACTED]
- 3] Direct Examination of [REDACTED]

3 - Bureau (Encls. 3) (Attachments 5)
 ② - Chicago
 JLS:rcb
 (5) Jy

44A-CG-78234-58

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

44A-CG-78234

4] Circuit Court of Cook County Illinois, PEOPLE
vs. [REDACTED]

5] Circuit Court of Cook County Illinois, PEOPLE
vs. [REDACTED]

b6 -2
b7C -2

One (1) copy of the LHM with attachments was
furnished to the UNITED STATES ATTORNEY'S OFFICE, Chicago,
Illinois



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Chicago, Illinois 60604
June 9, 1992

UNKNOWN SUBJECT (S);
COMMANDER JON G. BURGE,
CHICAGO POLICE OFFICERS,
CHICAGO POLICE DEPARTMENT,
CHICAGO, ILLINOIS;

b6 -2

b7C -2

[REDACTED] VICTIM;

CIVIL RIGHTS

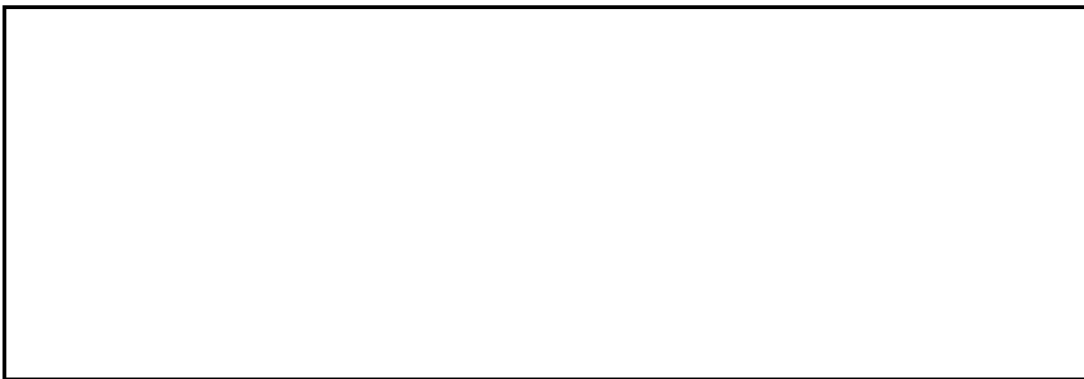
On March 9, 1992, [REDACTED]

[REDACTED]
pursuant to a Federal grand jury subpoena following:

b3 -1

b6 -2,-4,-5,-7

b7C -2,-4,-5,-7



On March 12, 1992, [REDACTED]

b6 -2,-5

b7C -2,-5

[REDACTED] OFFICE OF THE STATE APPELLATE DEFENDER, First Judicial District, State of Illinois Center, 100 West Randolph Street, Suite 5-500, Chicago, Illinois 60601, telephone [REDACTED] provided copies of the suppression hearing records regarding [REDACTED] advised that the crime for which [REDACTED] was convicted, included [REDACTED] occurred during the late evening of [REDACTED] or the early morning of [REDACTED]

- 3 - Bureau (Attachments 5)
- 1 - USA, Chicago (Attachment 1)
- (ATTN: [REDACTED])
- ② - Chicago (44A-C-78234)

JLS:rcb
(6)

b6 -3

b7C -3

[redacted] was arrested in [redacted] b6 -2,-4,-5,-7
[redacted] alleged that, in [redacted] Area II Police b7C -2,-4,-5,-7
Officers [redacted] beat him and put a
plastic bag over his head, the results led to a confession by
[redacted] Other Area II officers involved in his arrest included
[redacted] advised that the trial court
denied [redacted] suppression motion.

[redacted] advised that [redacted] b6 -2,-5
also was arrested for the same offenses on [redacted] and b7C -2,-5
he also alleged that Area II officers beat him and put a plastic
bag over his head at the time of his arrest. The Area II
officers involved in [redacted] arrest were not the same officers
as those involved in [redacted] arrest.

[redacted] advised that [redacted] were tried b6 -2,-5
together and were both convicted of [redacted] b7C -2,-5
[redacted] They were both
sentenced [redacted] is currently incarcerated [redacted]
[redacted] is incarcerated at [redacted]
[redacted] advised that [redacted]
conviction and sentence were upheld by the Illinois Supreme Court
on direct appeal on April 20, 1989. [redacted] conviction,
however was overturned. [redacted] was recently re-tried,
convicted and again sentenced [redacted]

[redacted] advised that in November, 1990, [redacted] current b6 -2,-5,-6
attorneys [redacted] filed a state petition b7C -2,-5,-6
for a post-conviction release. The petition is still pending in
state trial court. His attorneys will be filing an amended
petition. They do not expect the judge to make any ruling until
late summer at the earliest.

On March 30, 1992, [redacted] b6 -2,-4,-5,-7
[redacted] OFFICE OF THE STATE APPELLATE DEFENDER, First Judicial b7C -2,-4,-5,-7
District, advised that [redacted]
[redacted] He was taken
to Area II and tortured (beaten and bagged) by officers [redacted] and
[redacted] under the supervision of Lieutenant JON BURGE.

[redacted] advised that he represented [redacted] at his b6 -2,-5
suppression hearing on May 15, 1985. In his arguments he raised b7C -2,-5
the involuntary confession and the illegal arrest issue. [redacted]
stated that they lost the appeal mainly because there was not
enough evidence of physical abuse, therefore, it was [redacted] word
against the police officers. However, there was more physical
evidence in [redacted] case which caused the Illinois Appellate Court
to reverse his [redacted] conviction. [redacted] advised that [redacted]
[redacted] testified at [redacted] suppression hearing, stated that he

44A-CG-78234

was also physically abused by Area II detectives in a similar pattern. [redacted] provided copies of his briefs and arguments to the FEDERAL BUREAU OF INVESTIGATION (FBI).

b6 -2,-5,-6
b7C -2,-5,-6

On March 13, 1992, [redacted] Attorney [redacted]
[redacted]
[redacted] telephone [redacted]
[redacted] advised that in January, 1991, her firm received a request from [redacted] of the STATE OF ILLINOIS APPELLATE DEFENDER'S OFFICE, to take [redacted]
[redacted] advised that on June 26, 1991, she filed briefs and arguments for [redacted] direct appeal in the Illinois Court of Appeals.

[redacted] advised that at the time of [redacted] arrest, he identified an redheaded Chicago police officer as the one (1) who tortured and supervised the torturing of him to obtain a confession. When [redacted] saw a photograph of Commander JON G. BURGE, he identified him as the same redheaded Chicago police officer who tortured him. [redacted] advised that [redacted]

b6 -2,-5
b7C -2,-5

[redacted] No physical evidence or eyewitness testimony was produced to link [redacted] to the crime. He was convicted solely on his signed confession.

[redacted] advised that this is the only case her firm is handling where the client alleges that his confession was coerced by the CHICAGO POLICE DEPARTMENT (CPD). She agreed to forward the chronology of [redacted] proceeding that have taken place to date along with a copy of her briefs and arguments filed in the Appeals Court on June 26, 1991, to the FBI.

b6 -2,-5
b7C -2,-5

On March 2, 1992, [redacted]
[redacted]
[redacted] telephone [redacted] advised that [redacted]
[redacted] who alleges police brutality by Chicago police officers has [redacted]
[redacted]
[redacted] She advised that [redacted]
[redacted] due to the [redacted]
[redacted]

b3 -2
b6 -2,-5
b7C -2,-5

On [redacted]
[redacted] telephone [redacted] advised that [redacted]
[redacted]
[redacted] Her client alleges that [redacted]
[redacted]

b3 -2
b6 -2,-5
b7C -2,-5

44A-CG-78234

[redacted] advised that [redacted]
[redacted]

b3 -2
b6 -2,-5
b7C -2,-5

[redacted] stated that June 22, 1992, is the hearing date set for her to present pre-trial motions to suppress the coerced statements made by her client when he was arrested.


b6 -4,-5
b7C -4,-5

On June 6, 1992, [redacted] CHICAGO POLICE BOARD, 1121 South State Street, Room 603, Chicago, Illinois 60605, telephone [redacted] advised that the records of testimony generated from the police board hearings of the JON BURGE case are just so voluminous that he could not at this time give an estimate as to when the board will be ready to give its decision. [redacted] advised that the BURGE case is the most extensive case of its kind to come before the police board. The nine member civilian board has to go through all of the testimony from the BURGE case while continuing to deliberate on other cases that comes before it.

Chicago will continue in its efforts to identify victims who allege that their confessions were coerced by the CPD. Chicago will also continue to monitor the Chicago Police Board hearings and report its final decision regarding captioned case to the Bureau.

44A-Cg-78234-58X1

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 25 1992	
FBI - CHICAGO	
IMB	

7/24/92 302


b6 -5
b7C -5

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/25/92

[redacted]
[redacted] telephone [redacted] advised that the
[redacted]

b3 -2
b6 -2,-5
b7C -2,-5

[redacted] advised that she is currently offering proofs to the courts as to why the signed confession of [redacted] should be suppressed. [redacted] advised that the arresting Chicago Police Officers violated her client's rights by not complying to the rules for [redacted]

[redacted] She further stated that [redacted]

[redacted] advised that in the past, the above violations have been enough to have any confession dismissed, putting aside the allegation that [redacted]

b6 -5
b7C -5

[redacted] advised that she cannot discuss any of the information filed in the complaint, but since this is in Juvenile Court, parties with a proven vested interest may go before Presiding Judge SOPHIA HALL and enter an order to be granted access to the court records. [redacted] stressed that all of the subjects and witnesses are listed in the motions presented to the court.

[redacted] stated that July 30, 1992, is the next scheduled hearing date. At that time she will present all of her motions, after which the Judge has indicated that if the State is ready to proceed, the case will go to trial. She advised that at this point, she has no indications as to how the Judge will rule on the motions.

b6 -5
b7C -5

[redacted] stated that she was advised by [redacted] [redacted] for the Treatment of Survivals of Torture in Chicago, that there is evidence that [redacted] while in the custody of the CHICAGO POLICE DEPARTMENT (CPD).

b3 -2
b6 -2,-5,-6
b7C -2,-5,-6

Investigation on 7/24/92 at Chicago, Illinois File # 44A-CG-78234

by SA [redacted] :js Date dictated 7/24/92

b6 -1
b7C -1

44A-CG-78234

Continuation of FD-302 of

[REDACTED]

, On 7/24/92 , Page

2

b6 -5

b7C -5

[REDACTED] requested that the FEDERAL BUREAU OF INVESTIGATION (FBI) not interview her client until this case is completed. After that time, she is willing to make him and others available for any FBI questioning. [REDACTED] further advised that she will continue to provide the scheduled court dates to the writer upon request.

44A-Cg-78234-59

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 12 1992	
FBI - CHICAGO	

MA

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/12/92

[redacted]
[redacted]
[redacted] telephone number [redacted] was contacted at the
above location and advised of the identity of the Special Agent.

b3 -1
b6 -4,-5
b7C -4,-5

[redacted] was then served with a Federal grand jury subpoena, dated [redacted]. The subpoena directed the
[redacted]
[redacted] to the Special October, 1990 - 1991 Grand Jury [redacted]
[redacted]

b3 -1,-2
b6 -2,-4,-5
b7C -2,-4,-5

[redacted] stated that he understood what the subpoena was requesting and that [redacted] to the UNITED STATES ATTORNEY'S OFFICE, Northern District of Illinois, to the attention of Assistant United States Attorney [redacted]

b3 -1
b6 -3,-4,-5
b7C -3,-4,-5

A copy of the return of service subpoena has been placed in a 1A Evidence Envelope (FD-340).

Investigation on 6/12/92 at Chicago, Illinois File # 44A-CG-78234

59

by SA [redacted] JLS:rcb Date dictated 6/12/92

b6 -1
b7C -1

44A-CG-78234-60

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 25 1992	
FBI — CHICAGO	
11/18	

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 8/21/92

[redacted]
[redacted] telephone number [redacted] advised that
on July 30, 1992, [redacted] Judge. WALTER WILLIAMS, granted

b3 -2
b6 -2,-5
b7C -2,-5

[redacted] since the State's Attorney were not prepared and refused
to argue the motion before the court.

[redacted] advised that the State's refusal to argue the
motion effectively prevented the charges of torture by Area III
Violent Crimes Detectives from being aired in court. She advised
that she had all of her witnesses present. [redacted] also stated that
she saw and thought the State had all of their witnesses present.
However, when the State's attorneys went before the court and
asked for a continuance for several reasons, Judge WILLIAMS
rejected all of them. Judge WILLIAMS stated that both side has
already had 10 months to prepare for this case, therefore, to
delay the hearing just because one of the several police officers
is not present is ridiculous. [redacted] advised that the State plans
to appeal Judge WILLIAMS ruling on August 31, 1992.

b6 -5
b7C -5

[redacted] advised that [redacted]
[redacted]
[redacted] She stated
that this suit will probably be filed by the end of August, 1992.

b3 -2
b6 -2,-5,-6
b7C -2,-5,-6

[redacted] further advised that although [redacted] will
represent [redacted] civilly, she is still his criminal attorney and
she sees no reason why the civil suit should prevent the FEDERAL
BUREAU OF INVESTIGATION's request to interview [redacted]

Investigation on 8/19/92 at Chicago, Illinois File # 44A-CG-78234
by SA [redacted] JLS:rcb Date dictated 8/21/92

b6 -1
b7C -1

44A-CG-78234-61

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 18 1992	
FBI — CHICAGO	
11/28	

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 8/17/92

The below-listed records were received through
interoffice mail from Assistant United States Attorney (AUSA)
[redacted] pursuant to a Federal Grand Jury subpoena served
to [redacted] by
Special Agent (SA) [redacted]

b3 -1
b6 -1, -3
b7C -1, -3

A review of these records on August 17, 1992 disclosed
the following information:



b3 -1, -2
b6 -2
b7C -2

Investigation on 8/17/92 at Chicago, Illinois File # 44A-CG-78234 -10
by SA [redacted] adw Date dictated 8/17/92

b6 -1
b7C -1

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 8/25/92

TO : DIRECTOR FBI (44A-CG-78234)
 (ATTN: CIVIL RIGHTS UNIT)

FROM : SAC, CHICAGO (44A-CG-78234) ~~(X)~~ (SQ. 12)

SUBJECT : UNSUB(S);
 COMMANDER JON G. BURGE,
 CHICAGO POLICE OFFICERS,
 CHICAGO POLICE DEPARTMENT,
 CHICAGO, ILLINOIS;
 [REDACTED] - VICTIM;
 CIVIL RIGHTS;
 OO: CHICAGO

b6 -2
 b7C -2

Reference Chicago airtel to the Bureau, dated 8/6/92.

Enclosed for the Bureau is the original and two (2) copies of a Letterhead Memorandum (LHM) with attached copies of three (3) local newspaper articles, dated 7/31/92, concerning captioned investigation. One (1) copy of the LHM, with attachments was furnished to the UNITED STATES ATTORNEY'S OFFICE, Chicago, Illinois.

- 1* -

3 - Bureau (Encls. 3) (w/Attachments)
 2 - Chicago (44A-CG-78234)
 JLS:rcb
 (5)

44A-CG-78234-62

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 26 1992	
FBI - CHICAGO	

Approved: _____ Transmitted _____ (Number) (Time) Per _____



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Chicago, Illinois 60604

August 25, 1992

UNKNOWN SUBJECT(S);
COMMANDER JON G. BURGE,
CHICAGO POLICE OFFICERS,
CHICAGO POLICE DEPARTMENT,
CHICAGO, ILLINOIS;
[REDACTED] VICTIM;
CIVIL RIGHTS

b6 -2
b7C -2

On August 19, 1992, [REDACTED]
[REDACTED] telephone number [REDACTED]
[REDACTED] advised that [REDACTED] Judge WALTER WILLIAMS granted
[REDACTED]
[REDACTED] since the State's attorneys were not prepared and
refused to argue the motion.

b3 -2
b6 -2,-5
b7C -2,-5

[REDACTED] advised that the State's refusal to argue the
motion prevented the charges of torture by Area III Violent
Crimes Detective from being aired in court. She advised that she
had all of her witnesses present. [REDACTED] also stated that she saw
and thought the State had all of their witnesses present.
However, when the State's attorneys went before the court and
asked for a continuance for several reasons, Judge WILLIAMS
rejected all of them. He stated that both sides has had 10
months to prepare for this case, therefore, to delay the hearing,
just because one of the several police officers is not present is
ridiculous. [REDACTED] advised that the State plans to appeal Judge
WILLIAMS ruling on August 31, 1992.

b6 -5
b7C -5

[REDACTED] advised that [REDACTED]
[REDACTED]
[REDACTED] She stated
that this suit will probably be filed by the end of August, 1992.

b3 -2
b6 -2,-5,-6
b7C -2,-5,-6

[REDACTED] further advised that although [REDACTED] will
represent [REDACTED] civilly, she is still his criminal attorney and
sees no reason why the civil suit should interfere with the
FEDERAL BUREAU OF INVESTIGATION's request to interview [REDACTED]

3 - Bureau
1 - USA, Chicago
(ATTN: AUSA [REDACTED])
2 - Chicago (44A-CG-78234)
JLS:rcb
(6)

b6 -3
b7C -3

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.) Page 4
 Chicago Sun-Times
 Chicago, Illinois
 Date July 31, 1992
 Edition Five Star Sports Final

Title Electroshock Accusations
 Go Back to 1989

Character:
 or
 Classification:
 Submitting Office Chicago

Indexing

Electroshock Accusations Go Back to 1989

Here is a history of electroshock allegations against Chicago police:

1989: Convicted cop-killer Andrew Wilson lost a highly publicized federal suit seeking damages from police, saying he was subjected to electroshock by Area 2 Violent Crimes Cmdr. Jon Burge and his detectives in 1982.

The state appellate court ruled in favor of Gregory Banks, who said he confessed to murder after Burge and other officers beat him, hindered his breathing and subjected him to Russian Roulette in 1983. The court overturned his conviction.

December, 1990: Amnesty International called for an investigation into human rights violations by police, based on the Wilson case and other allegations of torture unearthed by the non-profit People's Law Office.

September, 1991: Burge was commander of Area 3

Violent Crimes when detectives there investigated the shooting of Alfredo Hernandez. Teens brought in for questioning say police beat and shocked them. Burge was not involved in the questioning nor was he aware of the case, his attorney said.

November, 1991: The Police Department recommended firing Burge for his role in the Wilson case. He has been suspended pending a Police Board decision on whether the firing is justified.

February, 1992: The federal court ordered release of a secret 15-month-old internal city report that found "systematic" abuse of suspects by some Area 2 detectives during the 1970s and 1980s. Half the 50 allegations investigated purportedly involved Burge. Mayor Daley and Police Supt. Leroy Martin criticized the report as poorly researched, and officials took no corrective action.

44A-4-7823463

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 18 1992	
FBI - CHICAGO	
IN	

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/17/92

[redacted] CHICAGO POLICE BOARD, 1121 South State Street, Room 603, Chicago, Illinois 60605, telephone number [redacted] advised that the cases of Commander JON BURGE and Detectives [redacted] are still under advisement. He further advised that he does not have a target date for release of the CHICAGO POLICE BOARD's final ruling on these cases, but he is sure it will not be until after the end of this year.

b6 -4,-5,-7
b7C -4,-5,-7Investigation on 11/16/92 at Chicago, Illinois File # 44A-CG-78234-123by SA [redacted] JLS:rcb Date dictated 11/16/92 b6 -1
b7C -1

44A-678234-64

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 20 1965	
FBI - CHICAGO	

[Redacted Box]

b6 -1
b7C -1

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 8/6/92

TO : DIRECTOR, FBI (44A-CG-78234)
 (ATTN: CIVIL RIGHTS UNIT)

FROM : SAC, CHICAGO (44A-CG-78234) (X) (SQ.12)

SUBJECT : UNSUB(S);
 COMMANDER JON G. BURGE,
 CHICAGO POLICE OFFICER,
 CHICAGO POLICE DEPARTMENT;
 CHICAGO, ILLINOIS;
 [REDACTED] VICTIM;
 CIVIL RIGHTS
 OO: CHICAGO

LHM
 8/92

b6 -2
 b7C -2

Reference Chicago airtel to the Bureau, dated 6/9/92.

Enclosed for the Bureau is the original and two copies of a Letterhead Memorandum (LHM) with attached copies of three local newspaper articles dated July 19 and July 20, 1992, concerning captioned investigation. One copy of the LHM, with attachments, was furnished to the UNITED STATES ATTORNEY'S OFFICE, Chicago, Illinois.

3 - Bureau (Encl. 3 with attachments)
 ② - Chicago
 JLS/adw
 (5)

1*

44A-CG-78234-65

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 13 1992	
FBI - CHICAGO	

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Chicago, Illinois 60604
August 6, 1992

COMMANDER JON G. BURGE,
CHICAGO POLICE OFFICER,
CHICAGO POLICE DEPARTMENT,
CHICAGO, ILLINOIS;

[REDACTED] VICTIM;
CIVIL RIGHTS

b6 -2
b7C -2

On July 24, 1992, [REDACTED]

[REDACTED] telephone number [REDACTED]

b3 -2
b6 -2,-5
b7C -2,-5

[REDACTED] advised that the arresting Chicago Police Officers violated her client's [REDACTED]

[REDACTED] advised that in the past, the above violations have been enough to have a confession dismissed, not withstanding the allegations by [REDACTED]

[REDACTED] advised that she cannot discuss any of the information filed in the complaint, but however, since this is in juvenile court, parties with a proven vested interest may go before the presiding judge and enter an order to be granted access to court records. [REDACTED] stressed that all of the subjects and witnesses are listed in the motions presented before the court.

b6 -5
b7C -5

[REDACTED] stated that she was advised by [REDACTED]

[REDACTED] that there is evidence [REDACTED]

b6 -5,-6
b7C -5,-6
b3 -2

while in the custody of the CHICAGO POLICE DEPARTMENT (CPD).

3 - Bureau
1 - USA Chicago (Attn: AUSA [REDACTED])
2 - Chicago (44A-CG-78234)
JLS/adw
(6)

b6 -3
b7C -3

COMMANDER JON G. BURGE,

[] requested that the FEDERAL BUREAU OF INVESTIGATION (FBI) not interview her client until this case is completed. After that time, she is willing to make her client and others available for any FBI questioning. [] further advised that she will continue to provide the scheduled court dates and any other reliable information to the writer upon request.

b6 -5
b7C -5

On August 4, 1992, Assistant United States Attorney (AUSA) [] was given the corrected number for [] [] records in order for another Grand Jury subpoena to be issued.

b3 -2
b6 -2,-3
b7C -2,-3

Chicago will continue in its efforts to identify victims who allege that their confessions were coerced by the CPD. Chicago will continue to monitor the Chicago Police Board Hearings regarding captioned subjects, as well as [] [] and report the results to the Bureau.

(Indicate page, name of newspaper, city and state)
 Page 27
 Chicago Sunday Sun-Times
 Chicago, Illinois
 Date: July 19, 1992
 Edition: Five Star Final

(Mount Clipping in Space Below)

Title: Area 3 Police Accused
 Of Misconduct Before

Character:
 or
 Classification:
 Submitting Office: Chicago

Indexing

THE INTERROGATION

Area 3 Police Accused of Misconduct Before

The Sept. 25 murder investigation that led to allegations of police torture does not represent the first time Area 3 violent crimes detectives were accused of mishandling youths.

more typical example of how police sometimes cross legal bounds when investigating the increasing number of violent crimes that involve children.

Police and defense attorneys differ about the prevalence of the problem.

"We always try to get one of the parents in there," said Area 3 Violent Crimes Commander John Regan. "If we don't have them, we have a youth officer stand in for the parent."

"There's only one instance I can think of in probably 500 [violent crime] offenses I've handled involving minors in which a waiting relative was given access during questioning," said Assistant Public Defender Martha Fitzsimmons. "They won't do it because they're

afraid parents won't let them talk."

Associate Judge Stuart Lubin threw out their statements May 14, saying the circumstances of their questioning cast doubt on their reliability. The state's attorney's office then dropped the charges. —Deborah Nelson

Those violations of state law and department regulations are a

b3 -2
 b6 -2
 b7C -2

44A-CJ-78234-60

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FBI - CHICAGO	
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- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 8/13/92

[redacted]
[redacted]
[redacted] telephone number [redacted] was contacted at
the above location and advised of the identity of the Special
Agent.

b3 -1
b6 -4,-5
b7C -4,-5

[redacted] was then served with a Grand Jury
subpoena, dated [redacted]. The subpoena commanded the
[redacted] to the special
October, 1990-1991 grand jury (91 JG 734) [redacted]
[redacted]

b3 -1,-2
b6 -2,-4,-5
b7C -2,-4,-5

[redacted] advised that he understood what the
subpoena was requesting and that [redacted] to
the UNITED STATES ATTORNEY'S OFFICE, Northern District of
Illinois to the attention of Assistant United States Attorney,
[redacted]

b3 -1
b6 -3,-4,-5
b7C -3,-4,-5

A copy of the Return of Service subpoena has been
placed in a 1A evidence envelope (FD-340).

Investigation on 8/11/92 at Chicago, Illinois File # 44A-CG-78234

by SA [redacted] adw Date dictated 8/11/92

b6 -1
b7C -1

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency;
it and its contents are not to be distributed outside your agency.

19-cv-4048(FBI)-647

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1417740-0

Total Deleted Page(s) = 72

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Page 12 ~ b3 - 2; b6 - 2; b7C - 2;

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Page 14 ~ b3 - 2; b6 - 2; b7C - 2;

Page 15 ~ b3 - 2; b6 - 2; b7C - 2;

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Page 55 ~ b3 - 2; b6 - 2; b7C - 2;
Page 56 ~ b3 - 2; b6 - 2; b7C - 2;
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44A-Cg-78234-67

SEARCHED	INDEXED
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FBI — CHICAGO	
[Signature]	

- 1 -

FEDERAL BUREAU OF INVESTIGATION

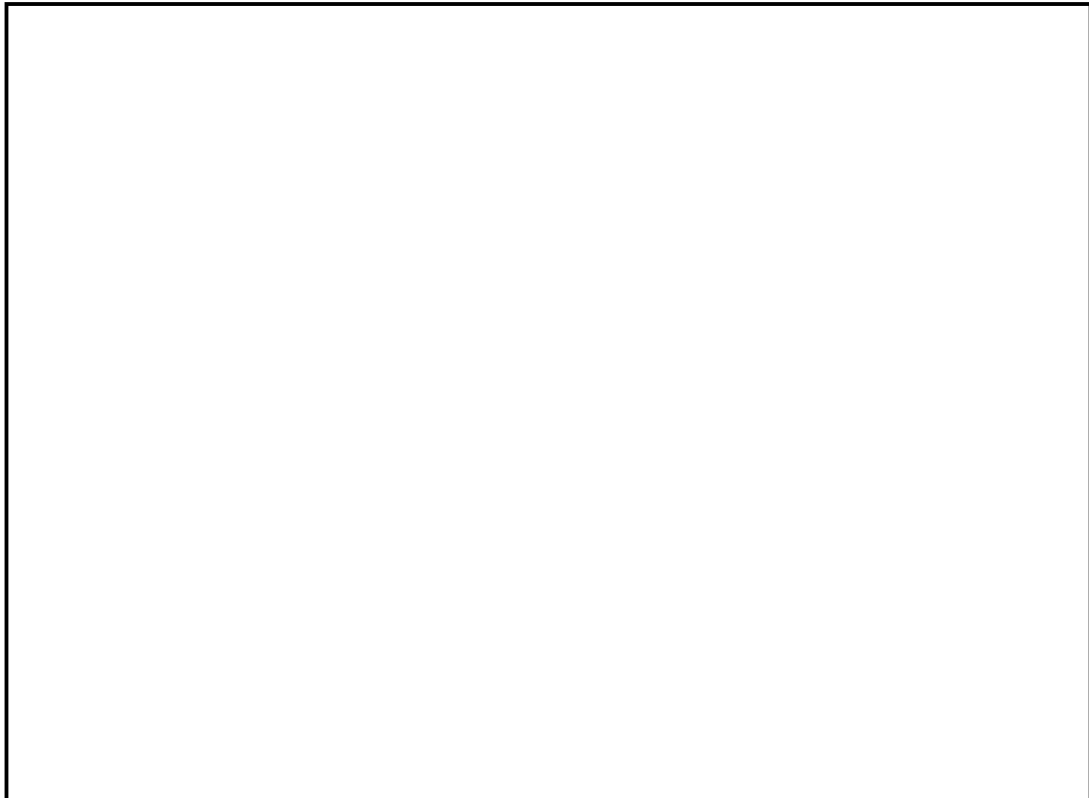
Date of transcription 8/25/92

The below-listed records were received on August 21, 1992, through interoffice mail from Assistant United States Attorney [redacted] pursuant to a Federal Grand Jury subpoena served to [redacted]

b3 -1
b6 -1,-3
b7C -1,-3

[redacted] by Special Agent (SA) [redacted] on [redacted]
[redacted]

A review of these records on August 24, 1992, disclosed the following information:



b3 -1,-2
b6 -2,-4
b7C -2,-4

Investigation on 8/24/92 at Chicago, Illinois File # 44A-CG-78234

by SA [redacted] TLA:rcb Date dictated 8/24/92

b6 -1
b7C -1

ⓧ

44A-Cg-7823468

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<u> <i>VR</i> </u>	

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/15/93

[redacted]
[redacted] telephone
[redacted] provided a copy of the civil rights complaint
filed on behalf of his client, [redacted] complaint number,
[redacted] The complaint which was hand delivered to the
FEDERAL BUREAU OF INVESTIGATION office is attached and made a
part hereto.

b3 -2
b6 -2,-5
b7C -2,-5

[redacted]
[redacted]

b3 -2
b6 -2
b7C -2

SUIT

Investigation on 1/14/93 at Chicago, Illinois File # 44A-CG-78234-68by SA [redacted] Date dictated 1/15/93b6 -1
b7C -1

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

ANDREW WILSON,

Plaintiff,

٧٥.

CITY OF CHICAGO, et al.,

Defendants.

JUN 12 1990

W. STUART DUNNINGHAM
UNITED STATES DISTRICT C JR

No. 86 C 2350

Judge Brian Barnett Duff

CORRECTED AND VERIFIED SUPPLEMENTAL FILING
IN CONFORMANCE WITH DIRECTION OF DISTRICT COURT

Pursuant to the District Court's direction of July 13, 1989, plaintiff Andrew Wilson hereby files the following attached materials. Said materials are the same as those materials filed on May 2, 1990, except for Document #5, page 1, in that counsel inadvertently filed a second copy of Document #1, p.1, mismarked as Document #5, p.1, rather than the actual Document #5, p.1. In this corrected filing counsel has substituted the actual Document #5, p.1 as described in paragraph #5 below, this being a true copy of the actual letter received by counsel in the Police Department envelope postmarked 3/15/89. These materials are:

- #1) First Letter from anonymous police source, and envelope in which it was enclosed, postmarked February 2, 1989;
- #2) Advertisement dated February 7, 1989, placed in Southtown Economist in response to First Letter, and Invoice for Ad;

#3) Second Letter from anonymous police source, and envelope in which it was enclosed, dated March 6, 1989;

#4) Second Southtown Economist Ad, dated March 14, 1989;

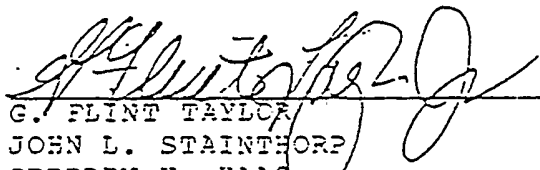
#5) Third Letter from anonymous police source and envelope in which it was enclosed, postmarked March 15, 1989;

#6) Phone message, dated March 15, 1989 from anonymous police source;

#7) Fourth Letter from anonymous police source, and envelope in which it was enclosed, dated June 16, 1989.

Respectfully submitted,

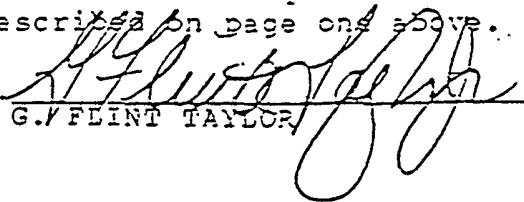
Dated: June 12, 1990


G. FLINT TAYLOR
JOHN L. STAINTHORP
JEFFREY H. HAAS
343 S. Dearborn #1607
Chicago, IL 60604
(312) 663-5046

Attorneys for Plaintiff

VERIFICATION

I, G. Flint Taylor, on oath, do hereby verify that the attached documents are true and accurate copies of what they purport to be, as more fully described on page one above.


G. FLINT TAYLOR

SUBSCRIBED AND SWORN TO
before me this 12th day
of June, 1990.


NOTARY PUBLIC

OFFICIAL SEAL
JILL BUELS
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXP. AUG. 3, 1992

Mr. Clint Taylor:

I understand you all are representing Andrew Wilson in his civil action against several police officers for brutality.

Check the following:

Several witnesses including the White's were severely beaten at 1121 S State St in front of the Chief of Detectives, the Superintendent of Police and the State's Attorneys.

Mayor Byrne and States Attorney Daley were aware of the actions of the detectives. ASA Angarola told both of them and condoned the actions.

Several of the officers named in the suit had been previously accused of using torture machines at complaints given to CPS and in motions filed in Criminal trials.

The device was destroyed by throwing it off of Lt. Burge's boat.

Mayor Byrne and States Attorney Daley ordered that the numerous complaints filed against the police as a result of this crime not be investigated.

This order was carried out by an EPS investigator named Buckley who is close to Alderman Burke.

You should interview everyone assigned to Area 2 Violent Crime at that time because some of them were disgusted and will tell all. The torture was not necessary.

Russ Ewing of Channel 7 was investigating this matter and you should talk to him.

DO NOT SHOW THIS TO ANYONE. IF YOU WANT MORE PUT AN AD IN THE SOUTHTOWN ECONOMIST. YOU DO NOT HAVE PERMISSION TO SHOW THIS TO ANYONE IT IS PRIVILEGED.

BEST COPY AVAILABLE

2 FEB
1969

Reopen's Law Office
Mr. Flint Taylor
3413 S. Dearborn St
Suite 1607
Chicago, Ill. 60604

D03 #1
P.2

五五五：

Learning

Page 8
1000 001 911

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 10. 10. 1941
 10. 10. 1941
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1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

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9-cv-4048(FBI)-707

daily
SOUTHTOWN

— economist newspapers

er Community Newspapers, Inc.

South Harlem Avenue • Chicago • 60638
666-8800

XXXXXX XXXX XXXX

MAIL PAYMENT TO: SOUTHTOWN ECONOMIST, INC.
Lock Box #09012
CHICAGO, IL 60609

SPECIAL MESSAGE

CLASSIFIED ADVERTISING INVOICE

DATE	LINE	CLASS	STATEMENT	LINE	TIME	AM
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					TOTAL DUE \$	

DAILY SOUTHTOWN ECONOMIST, D - SOUTH EXTRA, C - CHICAGO EXTRA, E - SOUTHWEST EXT
FRANKFORD/MORRIS/NEW LENOX, A - DAILY CALUMET & PONTIAC, F - CALUMET DAY

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2716031312

RETAIN FOR YOUR RECORDS

TAYLOR, G. FLINT
4440 N. HERMITAGE

CHICAGO

IL 60640

PAID
PAYABLE
DATE

BEST COPY AVAILABLE

Doc #2 p.2

Mr. Taylor:

Your ad in the newspaper was a little too obvious. Before I tell you anymore I need to know if anyone will ever see these letters.

Would you place another ad in the personal column and answer the following questions.

Address the ad to NY

1. Will the letters even be shown to anyone other than you and the other attorney's in your law firm? Yes or no.

2. Will the letters ever be referred to in court or in depositions? Yes or no.

I believe that I have learned something that will blow the lid off of your case. You should check for other cases which Lt. Burge was accused of using this device. I believe that he started right after becoming a detective many years ago. I will not give any specifics until I am assured that these letters are not going to be used ever.

I have checked who was in Area 2 when this was going on and have some comments on the people assigned. You must remember that they all knew as did all of the State's Attorneys and many judges and attorneys in private practice.

Burge's Askickers

Sgt Jack Byrne (his main man-check his IAD record)

Det George Basile (his close friend)

Det Pete Dignan

Det Frank Glynn

Det Fred Hill (his informant got him a police job at 26th St)

Det John Paladino

Det John Yucatis

Weak links

Sgt Frank Lee (went to Area 3 to get away from Burge)

Sgt Joe Nolan (Burge dumped him)

Sgt Mike Koko (he and Burge constantly were arguing and backstabbing each other)

Sgt Tom Perry (Burge dumped him)

Sgt Tom Bennett (an attorney and he and Burge broke up with some anger)

Det Ray Binkowski (talks alot)

Det Doris Byrd

Det Robert Dudak

Det Pat Kickey (Burge hated her because she was a woman)

Det Bill Kushner (escaped because of Burge and Byrne)

Det Frank Lavery

Det Walter Young

Det John McCabe

Det Pat O'hare and Det Tom McKenna had nothing to do at all with the beating of your client. Your client was beat after he confessed because Burge and company were showing off.

In return for this information I ask that you treat those subjects who were not involved with leniency. In the future you will hear from me only if I feel that I won't be disclosed ever. Do not leave this letter or the other in the file-take them home. That way they won't be available for reproduction or subpoena.

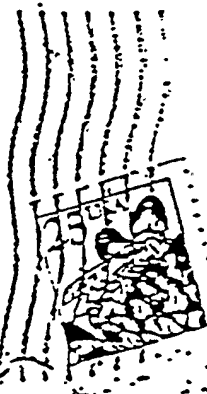
DOC #3



City of Chicago
Department of Police
1121 South State Street
Chicago, Illinois 60605



W. J. Taylor
343 S. Dearborn St.
Suite 1607
Chicago, Ill. 60604



Doc # 3
p. 2

OBITUARIES

William J. Bigan, ex-deputy sheriff

A funeral mass was said today for recently resident William J. Bigan, who died Saturday at Little Company of Mary Hospital, Evergreen Park. He was 68.

He served with the U.S. Air Force during World War II as a gunner on a B-17.

During the 1950s, Mr. Bigan owned and operated the Bigan Coal and Fuel Oil Company in Coker Park with his brother.

Mr. Bigan retired last August from the Cook County Sheriff's Department after more than 20 years of serving as a deputy sheriff.

Survivors include a daughter, Grayce Stuart; a son, William J. Bigan Jr.; and five grandchildren.

A funeral mass was said at 10 a.m. at St. Marthas Church, with interment at Holy Sepulchre Cemetery.

Edward J. Gallagher

A funeral mass was said Monday for recently resident Edward J. Gallagher, who died last Tuesday at Little Company of Mary Hospital in Evergreen Park of a stroke. He was 74.

Mr. Gallagher served with the U.S. Navy during World War I. He was a longshoreman from 1918 to 1929.

He worked for the company as a manufacturer's representative. The company, based in Kansas City, created architectural plans for buildings such as Newman Stadium and the State of Illinois Building. Mr. Gallagher worked for that company until he was 48 years old.

Mr. Gallagher was an avid White Sox fan who for the last 10 years went to Saratoga, Fla., to watch the team practice. He was getting ready to make his annual trip before his death.

Survivors include two sons, James Gallagher and Robert Gallagher, a sister, Alyce Gallagher, 15 grandchildren and 11 great-grandchildren.

A funeral mass was said Monday at St. Cajetan Church, with interment at Holy Sepulchre Cemetery.

James H. Potter

Visitation in today for Oak Lawn resident James H. Potter, who died Sunday at St. Francis Hospital in Blue Island after a long illness. He was 74.

Mr. Potter was a retired machine operator for a paper company.

Survivors include his wife, Mary Lou Potter, three sons, Willard Potter, Thomas Potter and Joseph Potter, two daughters, Annie Howard and Mary Ann Venable, 10 grandchildren and four great-grandchildren.

Visitation in from 2 to 9 p.m. at Lawn Funeral Home, 7909 State Road, Burbank.

A funeral will be held Friday in Athens, Ala., with interment at Womack Cemetery, Hogersville.

WANT AD INDEX

Hours: Running through Friday 8:30 a.m. to 5:00 p.m.

Deadlines: Wednesday 2:00 p.m. for publication the following day

Cancellations: Deadline 5:00 p.m. day prior to publication for cancellations on Saturday or Sunday

Corrections:

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Announcements

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Mr. Taylor:

As I have said previously I do not want to be involved in this affair. That is why I asked for the reassurance that these letters would be kept private. I do not wish to be shunned like Officer Lavery has been since he co-operated with you.

The following points should be made.

Burge hates black people and is an ego maniac. He would do anything to further himself.

Almost all of the detectives and police officers involved know the Wilson's did the murders but they do not approve of the beatings and torture.

No one wants to see the Wilson's get any money but they would like to see the families of the police officers get any funds that the Wilson's get.

McKenna and O'Kane did nothing at all. They have never been involved in those type of activities.

I advise you to immediately interview a Melvin Jones who is in the Cook County Jail on a murder charge. He is being re-tried in Markham. When you speak with him compare the dates from 1982 and you will see why it is important.

You will also find that the States Attorney knew that he was complaining and that is why his charges were dropped then. That decision was made in the top levels at 26th and California.

There is something else but I am not quite sure of the facts if you need it contact me by the same means.

TY

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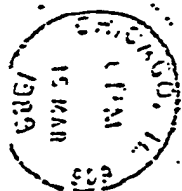
Doc 5 p. 4

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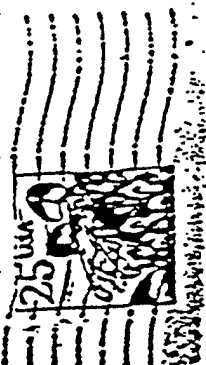


City of Chicago

Department of Public
1121 South State Street
Chicago, Illinois 60605



Print Taylor
343 S. Dearborn St
Suite 1607
Chicago, Illinois 60606



Doc #5
p. 2

FRONT OF MESSAGE

BEST COPY AVAILABLE

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2/15

Time

WHILE YOU WERE

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Area Code	Number	Ext.
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Returned your call		

Please call	
Wants to see you	
Will call again	

Message Return Under
15 @ Cook
County Jail
You should
check the date
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Quill Corporation • Re-order Number 7-52001

BACK OF MESSAGE

Mike
McFresney

an Limer
11-4772

Doc #6

There is much consternation in Area 2 since your latest briefs have arrived.

You must remember this that anyone who has confessed has later regretted same and they always claim that they were brutalized and that is the reason for their confession.

The common cord is Burge. He was always present, the machines and the plastic bags were his and he is the person who encouraged their use.. You will find that the people with him were either weak and easily led or sadists. He probably did this because it was easier than spending the time and the effort talking people into confessing.

Another development is Mike Hoke was in the station looking for information. If you look at my first letter you will find that it was thought he would not be on Burge's team. He came back to Area 2 and never really worked for Burge but rather for the commanders as the mission team leader. He was not the beating type but is a thorough humorless workaholic who stood up to Burge every time he could. He said he was named in your brief and you have your facts all wrong. You had him named in cases that he had nothing to do with and that the court documents will show this. He said that Burge's partners were a Gaffney, Morbie and Jimmy Fiente. Apparently he has done his homework and has paperwork to verify his noninvolvement.

You also have named Joe Gorman. Joe Gorman is another non-beater. He was thorough and a good interrogator but he was not brutal.

Also I will again say that Fat O'Hare had nothing at all to do with Burge and his crew. He should be cut loose.

Back to my first paragraph alot of people have to do the rest of their lives in jail or want revenge so check and make sure they are telling the truth.

Another thing to do is check with the federal government on all of the principles in this case. With a freedom of information request you might find something.

Burge thinks this is his most important case and he brags about it. You could check in the taverns at 103rd and 92 and Western and you will find that Burge youse to brag about everyone he beat. If you know anyone who works in CPS ask them about Burge.

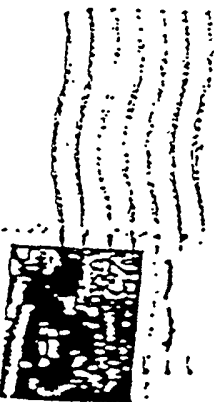
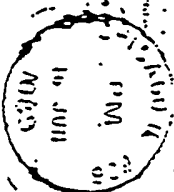
TY

19-cv-4048(FBI)-715

Doc #7



City of Chicago
Department of Police
1121 South State Street
Chicago, Illinois 60605



G. FLINT TAYLOR
343 S. Dearborn St. #1697
Chicago, ILL 60601



FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ ~~TOP SECRET~~
☐ ~~SECRET~~
☐ ~~CONFIDENTIAL~~
☐ UNCLAS E F T O
☐ UNCLAS

Date 1/15/93

TO : DIRECTOR, FBI (44A-CG-78234)
 (ATTN: CIVIL RIGHTS UNIT)

FROM : SAC, CHICAGO (44A-CG-78234) (X) (SQ. 12)

SUBJECT : UNSUB(S);
 COMMANDER JON G. BURGE,
 CHICAGO POLICE OFFICER,
 CHICAGO POLICE DEPARTMENT,
 CHICAGO, ILLINOIS;
 [REDACTED] VICTIM;
 CIVIL RIGHTS;
 OO: CHICAGO

1/93
 LHM

b3 -2
 b6 -2
 b7C -2

Reference Chicago airtel to the Bureau, dated 8/25/92.

Enclosed for the Bureau is the original and two (2) copies of a Letterhead Memorandum (LHM) with attached copies of three (3) local newspaper articles all dated 1/14/93, concerning captioned investigation.

Also, enclosed is a copy of a Civil Complaint, [REDACTED] filed at the UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, Eastern Division.

b3 -2
 b6 -2
 b7C -2

One copy of the LHM, with attachments and Civil Complaint [REDACTED] was furnished to the UNITED STATES ATTORNEY'S OFFICE, Chicago, Illinois.

3 - Bureau (Encl. 4) (w/3 Attachments)
 ② - Chicago

JLS:rcb
 (5) Jg

44A-CG-78234-69

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 15 1993	
FBI - CHICAGO	

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

19-cv-4048(FBI)-717



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Chicago, Illinois 60604

January 15, 1993

COMMANDER JON G. BURGE,
CHICAGO POLICE OFFICER,
CHICAGO POLICE DEPARTMENT,
CHICAGO, ILLINOIS:

[REDACTED] VICTIM;
CIVIL RIGHTS

b6 -2
b7C -2

On January 13, 1993, [REDACTED]
[REDACTED] telephone number [REDACTED] advised that he
is representing [REDACTED] who alleges that his
civil rights were violated when [REDACTED]
by Area III detectives on [REDACTED] advised
that he was working with Assistant Cook County Public Defender,
[REDACTED] who represented [REDACTED]
[REDACTED] stated that they
agreed not to let [REDACTED]
[REDACTED] He further
advised that they plan to [REDACTED]
[REDACTED] therefore, he will have him available for interviews by
the FEDERAL BUREAU OF INVESTIGATION (FBI) during the week of
January 17-23, 1993.

b3 -2
b6 -2,-5,-6
b7C -2,-5,-6

On January 14, 1993, [REDACTED] had a messenger to hand
deliver a copy of the above civil complaint, [REDACTED] to the
FBI office, Chicago, Illinois.

b6 -5
b7C -5
b3 -2

On January 15, 1993, [REDACTED]
CHICAGO POLICE BOARD, 1121 South State Street, Room 603, Chicago,
Illinois 60605, telephone number [REDACTED] advised that the
Board has not reached a final decision regarding the JON BURGE
case.

b6 -4,-5
b7C -4,-5

3 - Bureau
1 - USA Chicago (ATTN: AUSA [REDACTED])
2 - Chicago (44A-CG-78234)
JLS/jls
(6)

b6 -3
b7C -3

44A-CG-78234

Chicago will continue to monitor the Chicago Police Board hearings and report its final decision regarding captioned case to the Bureau.

2*

19-cv-4048(FBI)-719

Best Copy Available

FBI FACSIMILE
COVERSHEET

CLASSIFICATION

PRECEDENCE

- ☐ Immediate
☐ Priority
☒ Routine

- ☐ Top Secret
☐ Secret
☐ Confidential
☐ Sensitive
☒ Unclassified

Time Transmitted: 3:45

Sender's Initials: HZ

Number of Pages: 6

To:

Chicago

(Name of Office)

Date:

1/15/93

Facsimile number:

(312) 786-3029

Attn:

SSA

(Name)

Room

Telephone No.)

From:

FBIHQ CIVIL RIGHTS UNIT

(Name of Office)

Subject:

- VICTIM

b6 -1, -2

b7C -1, -2

44A-CG-78234

Special Handling Instructions:

HAND CARRY TO SSA

ASAP V

Originator's Name:

Telephone:

(202) 324-4272

Originator's Facsimile Number:

(202) 324-3155

Approved:

HZ

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 15 1993	
FBI - CHICAGO	

FBI/DOJ

19-cv-4048(FBI)-725

BEST COPY AVAILABLE

U.S. Department of Justice



Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Chicago, Illinois 60604

August 25, 1992

UNKNOWN SUBJECT(S);
COMMANDER JON G. BURGE,
CHICAGO POLICE OFFICERS,
CHICAGO POLICE DEPARTMENT,
CHICAGO, ILLINOIS;
[REDACTED] VICTIM;
CIVIL RIGHTS

On August 19, 1992, [REDACTED]

[REDACTED] telephone number [REDACTED]

[REDACTED] advised that [REDACTED] Judge WALTER WILLIAMS granted

[REDACTED] since the State's attorneys were not prepared and
refused to argue the motion.

[REDACTED] advised that the State's refusal to argue the
motion prevented the charges of torture by Area III Violent
Crimes Detective from being aired in court. She advised that she
had all of her witnesses present. [REDACTED] also stated that she saw
and thought the State had all of their witnesses present.
However, when the State's attorneys went before the court and
asked for a continuance for several reasons, Judge WILLIAMS
rejected all of them. He stated that both sides has had 10
months to prepare for this case, therefore, to delay the hearing,
just because one of the several police officers is not present is
ridiculous. [REDACTED] advised that the State plans to appeal Judge
WILLIAMS ruling on August 31, 1992.

[REDACTED] advised that [REDACTED]

[REDACTED] She stated

that this suit will probably be filed by the end of August, 1992.

[REDACTED] further advised that although [REDACTED] will
represent [REDACTED] she is still his criminal attorney and
sees no reason why the civil suit should interfere with the
FEDERAL BUREAU OF INVESTIGATION's request to interview [REDACTED]

63

44A - 9-78234-71

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 14 1993	
FBI — CHICAGO	
[Signature]	

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/13/93

[redacted]
[redacted] telephone [redacted]
[redacted] number [redacted] advised that he is representing [redacted]
[redacted] who alleges that his civil rights were
violated when [redacted] by Area III
detectives on [redacted] advised that he was
working with Assistant Cook County Public Defender [redacted]
who represented [redacted]
[redacted] stated that they
agreed not to let [redacted]
[redacted] He
further advised that they plan to [redacted]
[redacted] therefore, he will have him available for interviews by
the FEDERAL BUREAU OF INVESTIGATION (FBI) during the week of
January 17-23, 1993.

b3 -2
b6 -2,-5,-6
b7C -2,-5,-6Investigation on 1/13/93 at Chicago, Illinois File # 44A-CG-78234by SA [redacted] JLS:rcb Date dictated 1/13/93b6 -1
b7C -1

Memorandum



To : SA [redacted]
SQUAD 12

Date 1/15/93

b6 -1
b7C -1

From : SSA [redacted] (SQUAD 12)

Subject: FBIHQ PROGRAM REVIEW;
CIVIL RIGHTS PROGRAM

For the information of SA [redacted] Chicago received a facsimile from the Civil Rights Unit at FBIHQ on 1/14/93 which outlined those cases that HQ is interested in updating through submission of a report. This list is a result of the Civil Rights Unit's regular internal program review. Those cases on this list addressed by you are listed below. This data is from FBIHQ computer studies and may be incorrect. Please check and if more recent communications have been sent to HQ, please advise me as soon as possible. If you have not responded to HQ since the date listed as the "last communication" below, please do so now. Your attention to this matter is appreciated.

b6 -1
b7C -1

<u>File Number</u>	<u>Initial Communication</u>	<u>Last Communication</u>	<u>Victim Last Name</u>
44A-78234	10/16/90	9/4/92	Burge Case
44A-86760	6/5/92	10/23/92	Cook County

1 - SA [redacted]
① - 44A-78234
1 - 44A-86760
1 - 44-0

/MRZ

MP

44A-78234-72

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 15 1993	
CHICAGO	

b6 -1
b7C -1

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ ~~TOP SECRET~~
☐ ~~SECRET~~
☐ ~~CONFIDENTIAL~~
☐ UNCLAS E F T O
☐ UNCLAS

Date 2/8/93

TO : DIRECTOR, FBI (44A-CG-78234)
 (ATTN: CIVIL RIGHTS UNIT)

FROM : SAC, CHICAGO (44A-CG-78234) (X) (SQ. 12)

SUBJECT : UNSUB(S);
 COMMANDER JON G. BURGE,
 CHICAGO POLICE OFFICER,
 CHICAGO POLICE DEPARTMENT,
 CHICAGO, ILLINOIS;
 [REDACTED] - VICTIM;
 CIVIL RIGHTS;
 OO: CHICAGO

b6 -2
 b7C -2

Reference Chicago airtel to the Bureau, dated 1/15/93.

Enclosed for the Bureau is the original and two (2) copies of a Letterhead Memorandum (LHM) concerning captioned investigation.

One (1) copy of the LHM was furnished to the UNITED STATES ATTORNEY'S OFFICE, Chicago, Illinois.

3 - Bureau (Encl. 3)
 ② - Chicago
 JLS:rnb
 (5)

44A-CG-78234-73

SEARCHED	INDEXED
SERIALIZED	FILED
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FBI - CHICAGO	

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Chicago, Illinois 60604

February 8, 1993

UNKNOWN SUBJECT (S);
COMMANDER JON G. BURGE,
CHICAGO POLICE OFFICER,
CHICAGO POLICE DEPARTMENT;
[REDACTED] - VICTIM;
CIVIL RIGHTS

On February 3, 1993, [REDACTED]

[REDACTED] telephone number [REDACTED] advised that his
client [REDACTED]

[REDACTED] advised that it is too painful for
his client when he has to recall or recount the event.
Therefore, he requested that the OFFICE OF PROFESSIONAL STANDARDS
(OPS) and the FEDERAL BUREAU OF INVESTIGATION (FBI) interview
[REDACTED] at the same time.

On February 3, 1993, [REDACTED] OPS,
advised that her agency is very interested in getting a statement
from [REDACTED]. She advised that it would be acceptable to her if the
interview is conducted with OPS as the lead agency, the FBI as
the lead agency or jointly.

On February 4, 1993, Assistant United States Attorney
(AUSA) [REDACTED] concurred that if it is at all possible,
[REDACTED] should be interviewed independently by the FBI. However,
since [REDACTED] will only consent to one interview and since the FBI
is not the lead agency, he would have no problem with OPS
interviewing [REDACTED] and thereafter the Federal Government
obtaining OPS' records via a subpoena.

3 - Bureau (Encl. 3)
1 - USA, Chicago (ATTN: [REDACTED])
2 - Chicago (44A-CG-78254)
JLS:rcb
(6)

b6 -2
b7C -2

b3 -2
b6 -2,-5
b7C -2,-5

b3 -2
b6 -2,-4,-5
b7C -2,-4,-5

b3 -2
b6 -2,-3,-5
b7C -2,-3,-5

b6 -3
b7C -3

44A-CG-78234

Chicago will continue to monitor the Chicago police Board hearings as well as the OPS investigation regarding the new allegations concerning captioned matter.

①
178

44A-CG-78234-74

SEARCHED	INDEXED
SERIALIZED <i>JS</i>	FILED <i>JS</i>
FEB 18 1993	
FBI — CHICAGO	
<i>MA</i>	

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/18/93

[redacted] CHICAGO POLICE BOARD, b6 -4,-5,-7
1121 South State Street, Room 603, Chicago, Illinois 60605, b7C -4,-5,-7
telephone [redacted] advised that the CHICAGO POLICE BOARD
hearings are a matter of public record, therefore he released the
attached copy of their Findings & Decision report regarding the
charges against Commander JON BURGE, case number 91-1856,
Detective [redacted] case number 91-1857, and Detective [redacted]
[redacted] case number 91-1858.

POLICE Bd.
SUIT
✓
FINDINGS

Investigation on 2/16/93 at Chicago, Illinois File # 44A-CG-78234 -74

by SA [redacted] Date dictated 2/18/93

b6 -1
b7C -1

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE CHARGES FILED)
AGAINST COMMANDER JON BURGE, STAR NO. 338,) NO. 91-1856
DEPARTMENT OF POLICE, CITY OF CHICAGO,)

IN THE MATTER OF THE CHARGES FILED AGAINST)
DETECTIVE PATRICK O'HARA, STAR NO. 2888,) NO. 91-1857
DEPARTMENT OF POLICE, CITY OF CHICAGO,)

IN THE MATTER OF THE CHARGES FILED AGAINST)
DETECTIVE JOHN YUCAITIS, STAR NO. 7744,) NO. 92-1858
DEPARTMENT OF POLICE, CITY OF CHICAGO,)

FINDINGS & DECISION

The Superintendent of the Chicago Police Department filed charges with the Police Board on November 12, 1991, seeking the dismissal of Commander Jon Burge, Detective John Yucaitis and Detective Patrick O'Hara (collectively "Respondents"). On February 14, 1982, the Respondents were involved in various aspects of the arrest and subsequent detention of Andrew Wilson. The police arrested Wilson as a suspect in the tragic murder on February 9, 1982, of two Chicago police officers, William Fahey and Richard O'Brien. Wilson ultimately was charged with and convicted of murdering the two police officers. In 1987, the Illinois Supreme Court reversed Wilson's conviction. He subsequently was retried for the two murders and convicted once again. Wilson's appeal of his second murder conviction is still pending in the Illinois Appellate Court.

The Department's charges arise from the Respondents' alleged misconduct during the 15-hour period on the 14th--from approximately six o'clock in the morning until approximately nine o'clock in the evening--when Wilson was either being detained at Area 2 police headquarters, then located at 9059 S. Cottage Grove Ave., or was

effectively in the custody of Area 2 officers. The basic substance of the Department's two-pronged charges against Burge and Yucaitis is the same. First, the charges allege that Burge and Yucaitis, alone, in concert with one another or in concert with unnamed others, physically abused Wilson without justification while he was in custody. Second, the Department claims that although Burge and Yucaitis knew or had a reasonable basis for believing that one another or others were physically mistreating Wilson at Area 2, they failed to stop or report the mistreatment or obtain medical attention for him.

The Department contends that the two prongs of the alleged misconduct by Burge and Yucaitis violated the following Departmental Rules: Rule 2--prohibiting any action or conduct impeding the Department's efforts to achieve its policy and goals or discrediting the Department; Rule 5--requiring the performance of duties; Rule 6--prohibiting disobedience of an order or directive; Rule 8--prohibiting disrespecting or maltreatment of any person; Rule 9--prohibiting an unjustified verbal or physical altercation with any person; Rule 10--requiring attention to duty; and Rule 22--requiring the reporting of violations of Departmental Rules and Regulations or other improper conduct.

The only variance in the charges against Burge and Yucaitis is that the Department also has filed a Rule 3 violation charge against Burge arising from his supervisory capacity as a Police Lieutenant and as a commanding officer of Area 2 Violent Crimes as well. Rule 3 forbids any failure to promote the Department's efforts to implement its policy or accomplish its goals.

Unlike Burge and Yucaitis, O'Hara is not charged with physically abusing Wilson. The Department charges O'Hara with knowing or having a reasonable basis for knowing about the alleged mistreatment of Wilson by Burge, Yucaitis or others and failing to stop mistreatment, or report it, or to obtain medical attention for Wilson. The Department charges O'Hara with violating Rules 2, 5, 6, 10 and 22.

Burge, Yucaitis and O'Hara, individually and collectively, vehemently deny any active or passive misconduct with respect to their treatment of Wilson. Although the Department filed separate charges against each of the Respondents, they agreed to have their cases consolidated before the Board for a single hearing.

The record in this case is the most voluminous in the Police Board's history. It consists of over 3800 pages of live testimony and argument presented to the Board's hearing officer, scores of exhibits, numerous motions and several thousand pages of testimony from related proceedings dating back to 1982, including the initial criminal action against Wilson for the murders of Fahey and O'Brien and his civil lawsuit first filed in 1986 seeking damages from the Respondents and the City. We chart our course through this massive record and most unfortunate case by summarizing those key facts about which there is little or no dispute, and which frame the controverted issues in the case. We then summarize the major areas of evidence that the parties' contend support their respective theories of the case. We next move to resolve the parties' dispositive motions in the case, i.e., motions concerning factual and legal matters that could determine the outcome of the entire case and the motions concerning primarily evidentiary and procedural matters which are not outcome determinative of the case per se. Finally, we present the Board's resolution of the case.

I.
UNCONTESTED FACTS

On February 9, 1982, at approximately two o'clock in the afternoon, Chicago police officers William Fahey and Richard O'Brien stopped a brown Chevrolet in the 8100 block of S. Morgan Ave. Respondent Officers' Exhibit 25A. Fahey and O'Brien ordered Jackie Wilson to step outside the vehicle, while Andrew Wilson remained inside. Defendant Officers' Exhibit 16A. A scuffle occurred between Andrew Wilson and one of the officers. This scuffle led to Andrew Wilson shooting both police officers with Fahey's weapon. Andrew Wilson took the service revolvers of Fahey and O'Brien and drove off. An alert and brave citizen noticed two men entering the brown Chevrolet and drive away. He then noticed two police officers lying on the ground. He used their squad car radio to notify the police that two police officers had been shot. Numerous police officers responded to the call. Unfortunately, the lives of Fahey and O'Brien could not be saved.

Later in the day, Lieutenant Burge took charge of Area 2's investigation into the murders of Fahey and O'Brien. Burge Tr. 2420-2421, 2555-2556. Burge describes himself as a hands-on supervisor. He joined the Department in 1970 and became the Commanding Officer of the Area 2 Violent Crimes unit in October 1981. Burge Tr. 2391, 2398. In that capacity, Burge was responsible for supervising investigations by approximately 50 detectives in Area 2. The Department had not disciplined Burge in any manner prior to suspending him in this case and had commended him for his work on several occasions. Burge Tr. 2401-2402.

Detectives Yucaitis and O'Hara were under Burge's command in Area 2. Yucaitis became a Chicago police officer in 1964. Yucaitis Tr. 1689-1694. The Department's only disciplinary action taken against Yucaitis was a two-day suspension in 1965 for an automobile accident. Yucaitis has received Departmental honors on more than 80 occasions. Yucaitis has known, worked with and been friends with Burge since the early 1970's. Yucaitis Tr. 1749. O'Hara joined the Department in 1962. O'Hara Tr. 1843. O'Hara has received some Departmental honors over the years. The record does not disclose his prior disciplinary history, but the Board's records, which go back for five years, disclose no disciplinary problems. O'Hara knew and worked with both Burge and Yucaitis dating back to the early 1970's; at one point Yucaitis and O'Hara were partners. O'Hara Tr. 1637.

The only matter that Burge worked on from February 9 to February 14 was the investigation into the homicides of Fahey and O'Brien. Burge Tr. 2421. As the supervisor, Burge typically did not personally take charge of investigations. Burge Tr. 2519-2520. This was the most important case Burge had worked on in his career. Burge Tr. 2411. Burge worked day and night during this time, never went home and had little or no sleep. Burge Tr. 2428, 2436, 2438, 2470-2471.

Cook County Sheriff's Officer Lloyd Witcliff and Chicago Police Officer James Doyle had been shot dead while on duty in Area 2 within the two weeks prior to the murders of Fahey and O'Brien. Burge Tr. 2513-2516. This unfortunate sequence of events heightened the already strong sense of urgency felt by the police to apprehend the murderers of Fahey and O'Brien. Moreover, Burge and other detectives working on the investigation had reason to believe that the gunman who murdered Fahey and

O'Brien acted deliberately; their murders were not the result of a struggle and an accidental discharge of Fahey's weapon. Burge Tr. 2434

By the early morning of February 13, 1982, several witnesses had come forward implicating Andrew Wilson and his brother Jackie Wilson in murders of Fahey and O'Brien. Burge Tr 2438-2443. Based upon information that they might find Andrew Wilson, Burge and other police officers went to Willie's Beauty Salon at 1440 West 115th Street on the 13th. Although the police did not find Wilson at the beauty salon, they did find the service revolvers of Fahey and O'Brien, along with a sawed-off shot gun. Defendant Officers' Exhibit 25A. The sawed-off shot gun was one of the weapons fired during the Witcliff homicide. Burge Tr. 2515. In addition, the police also had reason to believe that Wilson was actively involved in a plan to help Edgar Hope escape from police custody, in Cook County Hospital, while Hope received medical attention. The police were guarding him as a suspect in Police Officer Doyle's murder. O'Hara Tr. 1847.

During the afternoon of the 13th, O'Hara and Detective Thomas McKenna took a statement regarding the Fahey and O'Brien murders from Donald White. Respondents' Exhibit 50. Burge was present when the statement was taken. Burge Tr. 2561. White's statement further implicated the Wilson brothers in the two murders. O'Hara also asked White, "Have any promises or threats been made to you to make this statement?" White responded, "No".

By February 14, Burge and the other detectives working on the Fahey and O'Brien case realized that Andrew Wilson had been identified in a line-up conducted in December, 1981, by Detectives Thomas McKenna and Fred Hill, both under Burge's

command, as the perpetrator of the World Camera armed robbery on December 3, 1981, at 115th S. Michigan Ave. Department Exhibit 31; Burge Tr. 2534-2535. Wilson was on parole for another armed robbery at the time of the World Camera line-up; and as a suspect in the World Camera case, Wilson became a parole violator who could have been held without bond. Burge Tr. 2539-2545. However, because of an unexplained glitch, Wilson was released on bond as a suspect in the World Camera case. Now that Wilson was a prime suspect in the Fahey and O'Brien murders, Burge was annoyed at Hill and McKenna for having permitted Wilson to slip through their hands.

Burge, McKenna, O'Hara, Deputy Superintendent McCarthy and numerous assisting officers arrested Wilson on February 14, 1982, at approximately 5:15 a.m. in an apartment located at 5301 W. Jackson. Defendant Officers' Exhibit 25A; Burge Tr. 2548. Wilson, who was born in 1952, has had limited formal education and is functionally illiterate. Wilson Tr. 166-167. Wilson was on parole for armed robbery when he was arrested, having served seven years in jail on a sentence of six to eighteen years for his conviction in 1975. Wilson's criminal record includes at least a half-dozen additional instances when he was convicted dating back to 1969, and he was either incarcerated or given probation. Respondent Officers' Exhibit 144. His offenses included unlawful use of a weapon, theft, burglary and possession of marijuana.

When Andrew Wilson was arrested, Deputy Superintendent McCarthy and Sergeant Brannigan grabbed Wilson and threw him to the floor. Burge Tr. 2450-2451; McCarthy Tr. 5500. While Wilson was on the floor, Burge placed his knee on the small of Wilson's back and the other knee on the back of Wilson's head. Burge also testified that the police were not trying to be gentle because they knew Wilson had a gun.

Brannigan and McCarthy then handcuffed Wilson behind his back. Wilson didn't hit any furniture; he went straight to the floor. The Department is not contending that the police's handling of Wilson at the arrest scene constituted physical mistreatment.

When the police arrested Andrew Wilson, he didn't have a shirt on. McCarthy Tr. 5501; Wilson Tr. 68. Wilson Tr. 6972. There were no marks, bumps, cuts or blood on his chest or head. McCarthy Tr. 5501; Karl Tr. 4023. Wilson's gym bag was recovered from the apartment where he was arrested. Karl Tr. 3999-4003. The gym bag contained a loaded gun and several rounds of extra ammunition. Burge Tr. 2452; Wilson Tr. 69-70; Yucaitis Tr. 1846; O'Hara Tr. 1903-1904.

Yucaitis and O'Hara were among the arresting police officers at the scene of Wilson's arrest who were not physically involved in the arrest. Yucaitis Tr. 1700-1706; O'Hara Tr. 1843-1846. Yucaitis was not involved with the Fahey and O'Brien investigation prior to the 14th and had started work that day at about 12:30 a.m. Yucaitis Tr. 1695-97. Detectives Karl, Bajenski, Pienta and Yucaitis transported Wilson in a squad car to Area 2. Karl 5628; Yucaitis Tr. 1710. He remained handcuffed behind his back on the trip.

Before the police transported Wilson from the arrest scene to Area 2, Burge told Yucaitis words to the effect: "Don't let anybody get to him. Don't let nobody talk to him. Treat him right." Yucaitis Tr. 1711, 1771; Burge Tr. 2560-2561. Burge was concerned that because Wilson had killed two police officers, other police officers might want to take out revenge against Wilson.

Andrew Wilson arrived at Area 2 after his arrest shortly after 6:00 a.m. on February 14, 1982. O'Hara Tr. 1850. He was taken to the second floor at Area 2. Burge and O'Hara arrived at Area 2 sometime after 6 o'clock on the morning of the 14th. O'Hara Tr. 1850. Burge assigned Yucaitis, Karl and David Diguandi to be outside the room where Wilson was being held on the second floor of Area 2 and make sure no unauthorized persons entered the room. Yucaitis Tr. 1725; Karl Tr. 4039.

Former Assistant State's Attorney Paul Nealis, who is now a Circuit Court Judge, had been with police investigating the Fahey and O'Brien murders since the 12th and traveled to the scene of Wilson's arrest with Burge. Nealis Tr. 2179-2180. Nealis, who also is a former Chicago police officer, left the arrest scene and arrived at Area 2 with police officers at approximately 6:00 a.m. He remained at Area 2 until shortly after Andrew Wilson was taken to the Area 1 line-up at approximately 3:00 p.m. Nealis Tr. 2187. Nealis had no formal role in the murder investigation or questioning of suspects. Nealis Tr. 2191.

Assistant State's Attorney Larry Hyman was called at home at 8:30 a.m. and arrived at Area 2 at approximately between 9:15 and 9:30 a.m. Hyman Tr. 1140-1141. Another Assistant State's Attorney, Kathleen Warnick, arrived at Area 2 approximately between 9:00 and 10:00 a.m. and stayed until approximately 4:00 p.m., mostly in the large open room on the second floor. Warnick Tr. 5591, 5597. But Warnick never saw Andrew or Jackie Wilson and was not involved when Hyman took their statements. Warnick Tr. 5607, 5612-5613, 5616-5617.

Michael Hartnett, a licensed court reporter employed by the State's Attorney's Office who took the statements of Andrew and Jackie Wilson and other witnesses,

arrived at Area 2 between 10:00 and 10:30 a.m. on February 14, 1982. Hartnett Tr. 4902; O'Hara Tr. 1870. After Jackie Wilson arrived at Area 2, he gave an oral statement to O'Hara at 10:15 a.m. Respondent Exhibit 25A.

Andrew Wilson's fingerprints were taken by evidence technician Tim McKeough at approximately 11:30 a.m. on February 14, 1982 in an interview room at Area 2. McKeough Tr. 2725-2730. Wilson was in the interview room by himself handcuffed to a ring in the wall when McKeough took the fingerprints. McKeough saw Burge, Yucaitis and O'Hara in the large common room outside of the interview room. McKeough Tr. 2738.

Larry Hyman took a court reported statement from Jackie Wilson at 12:20 p.m. in the Case Management Office at Area 2. Defendant Officers' Exhibit 16A; Hartnett Tr. 4908. Michael Hartnett was the court reporter and Detective McKenna was present. The statement was completed at 12:43 p.m. Among other things, the statement reflects Andrew Wilson as the triggerman in the slaying of O'Brien and Fahey. There is nothing in Jackie Wilson's statement indicating that the statement was given voluntarily and free of threats or coercion. Hartnett took a Polaroid photograph of Jackie Wilson at 2:15 p.m. Defendant Officers' Exhibit No. 16B; Hartnett Tr. 4908.

Burge went to Police Headquarters at 11th and State for a press conference at approximately 12:30 and arrived approximately between 1:15 and 1:30 p.m. on February 14, 1982. Burge Tr. 2474-2487. The press conference lasted until 2:30 p.m. After speaking with then Superintendent Richard Brzeczek and officers in the detective division, Burge went to Area 1 (51st and the Dan Ryan) where a lineup was being held.

He arrived approximately between 3:15 and 3:30 p.m. Burge returned to Area 2 between approximately 5:30 and 6:00 p.m. Burge Tr. 2487.

Larry Hyman and Kathleen Warnick took a statement from Derrick Martin at 3:30 p.m. on February 14, 1982 in the Records Office at Area 2 which was completed at 4:00 p.m. Def. Off. Ex. 35; Hartnett Tr. 4911-4913; Warnick Tr. 5594-5596. Hartnett transcribed the statement. Among other things, Martin's statement reflected a conversation with Andrew Wilson in which Wilson admitted shooting O'Brien and Fahey. The statement also reflected Hyman asking Martin whether he was giving the statement voluntarily and under his own free will, and Martin responded "Yes."

Andrew Wilson left Area 2 to go to lineup at Area 1 at approximately 3:00 p.m. on February 14, 1982. O'Hara Tr. 1881. Wilson was transported by two uniformed police officers in a squadrol. Jackie Wilson was transported to Area 1 by O'Hara and Detective Thomas McKenna. Yucaitis left Area 2 at approximately 3 o'clock in the afternoon of the 14th, went home and did not return that day. Yucaitis Tr. 1749-1742, 1753-1754.

Hill arrived at Area 1 at approximately 4:00 p.m. and helped conduct the line-up. Hill Tr. 3804-3807. The lineup with Andrew Wilson was held at 4:35 p.m. at Area 1. Respondent Officers' Exhibit 100; O'Hara Tr. 1881. Burge was present at the line-up. Burge Tr. 2476-2482. Photographs were taken of Wilson and others in the lineup. Exhibits 36, 37, 38. Detectives O'Hara and McKenna transported Andrew Wilson from Area 1 back to Area 2 in an unmarked police car. O'Hara Tr. 1889-91. They arrived at Area 2 at approximately 5:30 p.m. O'Hara Tr. 1889-91.

Wilson gave Hyman and O'Hara a statement in an Area 2 interview room, transcribed by court reporter Hartnett, confessing his role as the triggerman in the slaying of O'Brien and Fahey at 6:05 p.m. Wilson completed his statement at 6:25 p.m. Respondent Ex. 17; Hyman Tr. 1189-1196; O'Hara Tr. 1915-1919; Hartnett Tr. 4914-4916. There is nothing in Andrew Wilson's statement indicating that it was given voluntarily and free of threats or coercion. There was a radiator in the interview room.

Hartnett took a color Polaroid photograph of Andrew Wilson in Area 2 on February 14, 1982 at 8:30 p.m. Defendants' Exhibit 18; Hartnett Tr. 4916-4918. Hyman and O'Hara were present when the photo was taken and witnessed it. Hyman Tr. 1198; O'Hara Tr. 1920-1922. Hartnett saw Andrew Wilson for the last time at approximately between 8:45 to 9:30 p.m. Hartnett Tr. 4933.

Someone from Area 2 called the Department's communications section for a squadrol and Officers Ferro and Mulvaney responded, picking up Wilson between 9:00 and 9:30 p.m. O'Hara Tr. 1924-1925. Ferro retired as a police officer in 1983 and moved to Florida. Ferro Tr. 4. Mulvaney committed suicide shortly after Ferro retired in June 1983. Ferro Tr. 7-8. When Ferro and Mulvaney picked up Wilson, Burge was in the interview room. Ferro Tr. 12. There are no radiators in the back of the squadrol. Ferro Tr. 28. Wilson did not resist being placed in the back of the squadrol or try to escape. Ferro Tr. 18, 34.

Andrew Wilson was taken to the lock-up at 11th and State from Area 2 by Ferro and Mulvaney on February 14, 1992, but he was rejected because of his physical condition. Ferro Tr. 29-32. There was a radiator on the way from the prisoner loading dock at 11th & State to the lock-up. Tr. 2711. The precise time that Wilson was

rejected at the lock-up is not clear; but this presumably occurred sometime after approximately 9:00 to 9:30 p.m. when O'Hara testified that the wagonmen picked up Wilson and 10:45 p.m. when Wilson was admitted to Mercy Hospital.

Ferro and Mulvaney took Andrew Wilson to Mercy Hospital where he was admitted at 10:45 p.m. and given a short physical examination by Dr. Geoffrey Korn. Def. Aff. 58 Pl. 2-F. Wilson remained at Mercy Hospital at least until 11:40 p.m.

During the course of Dr. Korn's examination of Andrew Wilson on the evening of the 14th, he observed: (1) numerous red scratches or linear marks along the chest; (2) scratches on the right shoulder; (3) a long wound on Wilson's right thigh which Dr. Korn characterized as a second degree burn; (4) a bruise under Wilson's right eyelid and redness on the surface of the right eye; (5) cuts on the forehead and a cut on the back of the head; and 6) two 8 centimeter long linear abrasions on Wilson's right cheek. Korn Tr. 2807-2808, 2811, 2813, 2814; Def. Off. 58 Pl. 2-F. Patricia Crossen, a Mercy Hospital nurse who assisted Dr. Korn and examined Andrew Wilson herself, observed the same injuries to Wilson on the night of the 14th that Dr. Korn observed. Crossen Tr. 1837-1842. In Ferro's deposition testimony presented to the Board, he denied that he or Mulvaney physically abused Wilson. However, the Department and the Respondents are in agreement that at least some of Wilson's injuries are attributable to him being physically abused by Ferro or Mulvaney. Wilson Tr. 580; Reidy Closing Argument Tr. 3426; Kunkle Closing Argument Tr. 3589.

Ferro and Mulvaney took Andrew Wilson back to 11th and State after Dr. Korn examined him; Dr. Korn refused to treat him because Ferro and Mulvaney had their

guns out. Korn Tr. 2805, 2821-2822; Def. Off. 58, Pl. 2-F. There are no radiators or other heating units in the cells at 11th & State. Migliere Tr. 31-32.

On February 15, 1982, Barbara Steinberg, an assistant public defender for Cook County, met with Andrew Wilson at the Cook County Criminal Court Building, 26th and California at approximately 9:00 a.m. Steinberg Tr. 2017, 2025. She met with Wilson prior to a bond hearing. Andrew Wilson told Steinberg that he had been electrically shocked and beaten while in custody at a police station. Steinberg Tr. 2019, 2032. She observed damage to Wilson's face and chest and abdominal areas and requested the presiding Judge at the bond hearing to allow Andrew Wilson to receive medical attention. Steinberg Tr. 2017-2020. The Judge granted her request.

Department's Exhibits 33-00 and 33-00-1 with an intake number of 6120 is the intake photograph taken on the 15th of Andrew Wilson at Cook County Jail before he received medical attention. Jackie Wilson's photograph has intake number 6121 and was taken at 10:01 a.m. Andrew Wilson was treated for his injuries by Dr. Stephen Goodman at Cermak Hospital, which is a part of the Cook County jail, at 10:55 a.m. on February 15, 1982. Respondent Officers Exhibit 59. Dr. John Raba saw Wilson and examined him at the Cook County Jail in the evening on February 15, 1982. Wilson was given outpatient medical treatment for his injuries from February 15, 1982 to March 3, 1982.

On February 17, 1982, Dr. Raba wrote a letter to Police Superintendent Richard Brzeczek reflecting Andrew Wilson's injuries. Pl. 1A.; Def. Off. 61. In addition to describing Dr. Raba's findings from his examination of Wilson, the letter reflects Wilson's statements to Dr. Raba that he had been pushed into a radiator and given electrical shocks. Raba Tr. 692-695. On February 25, 1982, Dr. Raba filed a complaint

with the Chicago Police Department alleging that the police had mistreated Wilson. Department Ex. 16. The Department, through its Office of Professional Standards (OPS), closed its initial investigation in 1985 because Wilson refused to cooperate.

Dale Coventry, another assistant public defender assigned to represent Andrew Wilson, took photographs of his injuries at 3:00 p.m. on February 16, 1982. Respondent Officers' Exhibit 126. Coventry took pictures, which are now the large blowups introduced into evidence as Department's Exhibits 33GG and 33HH. Coventry Tr. 2084-2086. Wilson told Coventry that he had received the linear marks on the cheek, chest and legs when he was handcuffed and pressed up against a radiator at Area 2. Coventry 2087. He also told Coventry that he had been shocked by an electrical device while in custody at Area 2.

On November 12, 1982, Wilson testified in his criminal case connection with his Motion to Suppress his confession. Defendant Officer's Exhibit 112. The Motion to Suppress was denied. Wilson testified at the suppression hearing that Burge and Yucaitis were among the police officers at Area 2 who tortured him using electrical shocking devices. Defendant Officers Ex. No. 112, Suppression Hearing Transcript at 1145-1148, 1150-1152. Wilson was ultimately convicted of the murders of Officers Fahey and O'Brien and sentenced to death.

On April 1, 1986, Andrew Wilson filed his first civil complaint seeking damages from Burge for alleged mistreatment. Respondent Ex. 43. Yucaitis and O'Hara were not named as defendants until October 17, 1987, when Wilson filed an amended complaint. Respondent Ex. 117.

On April 2, 1987, the Illinois Supreme Court reversed Andrew Wilson's initial conviction for murdering Fahey and O'Brien on the ground that Wilson's confession, given at Area 2 between 6:05 and 6:30 p.m. on February 14, 1982, should not have been admitted into evidence. Department Ex. 23. The Supreme Court said the State had not met its burden of proving by clear and convincing evidence that Wilson's injuries were not inflicted as a means of producing the confession. Accordingly, the Court held that Andrew Wilson's statement should have been suppressed as having been involuntarily given. The Court reasoned:

Here it was "conceded, or clearly established, that the defendant received injuries while in police custody," and the only question for purposes of our inquiry is when they were inflicted. Accordingly, "more than a mere denial by the police of coercion [was] required", and it was necessary for the State to show by clear and convincing evidence that the injuries did not occur before the defendant gave his confession. We do not believe that burden was met here.

116 Ill.2d at 41, 506 N.E.2d at 576.

The State retried and convicted Andrew Wilson of murdering Fahey and O'Brien in 1988, without using his confession.

The appeal of Andrew Wilson from his second conviction for murdering Fahey and O'Brien is still pending in the Illinois Appellate Court. The first civil trial before Judge Duff in federal court was held in February 1989 and resulted in a verdict in favor of the Respondents, except that the jury could not reach a verdict as to whether there

was a conspiracy to deprive Andrew Wilson of his civil rights and also on the substantive count against Burge. The second civil trial was held before Judge Duff in August 1989, after which the Respondents were exonerated from personal liability for Wilson's injuries. Memorandum in Opposition to Motion to Dismiss on Grounds of Collateral and Judicial Estoppel, Exhibit F, Verdict Form. Nevertheless, the jury found that the Department had a policy of abuse against persons charged with shooting police officers, and that Andrew Wilson's civil rights were violated. However, the jury did not find that Wilson's civil rights were violated pursuant to the aforesaid policy. The jury did not award Wilson any monetary damages. Wilson's appeal from the second civil verdict is pending before the Seventh Circuit Court of Appeals. OPS reopened its investigation into the charges against the Respondents in 1989; after the second jury verdict in the civil trial, Wilson agreed to cooperate with OPS.

II. THE DEPARTMENT'S THEORIES OF THE CASE

The Department's affirmative case against all three Respondents is based upon four principal areas of evidence: 1) Andrew Wilson's testimony about the Respondents' conduct on February 14, 1982; 2) the medical testimony of the Mercy Hospital physician and nurse who examined Wilson on the evening of the 14th and the various Cermack Hospital physicians who examined him from the 15th until early March; 3) the contemporaneous photographic evidence of Wilson's injuries; and 4) the testimony of a medical expert, who evaluated the Wilson's injuries for the first time in 1989, in the context of his civil action against the Respondents for damages. In addition, with respect to Burge alone, the Department offered the testimony of two witnesses who claimed Burge had physically mistreated them in a manner similar to the way Wilson

says Burge physically mistreated him. We summarize each of these areas as briefly as possible.

A. WILSON TESTIMONY

Wilson testified that Burge said at the arrest scene, "Let's get him at the station." Wilson testified that police officers placed him into a room on the second floor of Area 2 as soon as he arrived on the morning of the 14th. Once he was in the room, the door was closed and various unnamed police officers began kicking him, hitting him with their fists and slapping him. They also threw him into a window and broke the window, put a plastic bag on his head and burned him on the arm with a cigarette. Neither Burge nor O'Hara was in the room when this beating took place. Yucaitis was the only officer, whose name Wilson knows, who was in the room. But Wilson testified that he is not certain whether Yucaitis was one of the officers who actually struck him. Wilson says that his right eye was first injured during the course of this beating.

According to Wilson, Burge subsequently came into the room and told the officers that "if it had been him, he would not have messed up Wilson's face". Burge ordered the officers to take Wilson out of the room, and they took him to a different room on the same floor where his right hand was handcuffed to a ring on the wall. There was a radiator under the window in that room. Burge came into that room by himself and told Wilson to confess to the murders because Burge's reputation was at stake. Wilson refused.

Wilson testified that Yucaitis then came into the room with an unnamed officer. Yucaitis pulled a black box out of a grocery bag. The box had a crank on the outside

and two wires that each had an alligator clip attached. Yucaitis attached one of the alligator clamps to Wilson's left ear and one to his left nostril. The alligator clamps did not themselves cause Wilson any pain, but he received a shock when Yucaitis cranked the box. After being shocked, Wilson kneed Yucaitis, and Yucaitis retaliated by punching Wilson in the mouth. Yucaitis cranked the box some more and Wilson hollered. Yucaitis eventually left when someone knocked at the door.

According to Wilson, O'Hara then took him out of the room to see Assistant State's Attorney Hyman. Wilson told Hyman about being mistreated and Hyman told him to leave. O'Hara returned Wilson back to the same room and handcuffed him once again.

Wilson testified that Burge then came into the room a second time with Detective Hill. Wilson is not sure what time any of these events happened because the police broke his watch. Burge took a device out, attached clamps to his ear and began cranking. This caused Wilson to grind his teeth, scream and rub the clamps off on his shoulder. Burge and Hill stretched him across the radiator in the room so that the radiator was under his chin. Wilson didn't feel that he was being burned by the radiator at that time. Burge then placed the clamps on his fingers and began cranking it again, causing Wilson to scream.

According to Wilson, Burge then took out a device that looked like a curling iron. The device had a cord on it and wire sticking out of it. Burge began rubbing the device between Wilson's legs, and Wilson could feel a tingling sensation. The shock from this device was stronger than from the crank device. While Burge was shocking Wilson, he was on his knees stretched across the radiator and Hill was kicking him in the back.

When this episode ended, Burge took the devices out of the room and Wilson was left alone until he was taken to the line-up at Area 1.

Wilson testified that at Area 1, Burge put his gun into Wilson's mouth and clicked it. Burge told Wilson that if he would confess to the murders, he would not be mistreated again. Wilson agreed to make a statement to keep from being shocked again. O'Hara and McKenna drove Wilson back to Area 2 after the lineup.

O'Hara and McKenna returned Wilson to the same interview room on the second floor of Area 2 and handcuffed him to the ring on the wall. Hyman came into the room with O'Hara and a court reporter and began asking Wilson questions, while the court reporter transcribed the questions and answers. Burge came into the room and was told to leave. After the statement was taken, someone read it to Wilson and he initialed it. The court reporter took a picture of Wilson. Wilson said he asked the court reporter for help. The court reporter said he could do nothing, but that Wilson would not be mistreated any more. Wilson testified that the confession transcribed by the court reporter is the only statement he gave to the police and that he did not give a statement when he first arrived at Area 2 at about 6 o'clock in the morning.

The two wagonmen arrived while Hill was present. The wagonmen began beating Wilson. Hill told the wagonmen to put Wilson in the lockup with other prisoners so that it would look as if he had been beaten by the other prisoners. The wagonmen started taking him down the stairs and one of them tried to trip him, but he did not fall. One of the wagonmen became angry and slammed him into a wall in the station, causing his face to bleed and reopened a scar above his right eye. During the

course of the trip to the lockup and then to Mercy Hospital, Wilson testified that one of the wagonmen hit him in the back of his head with a gun.

Wilson testified that at the time of his arrest, he did not have any burns or burn scars on his body. Wilson testified that he received marks on his face, chest and thigh from the radiator at Area 2. Wilson showed the hearing officer marks that appear to be scars on his right thigh, on the right side of his face and his chest.

B. CONTEMPORANEOUS MEDICAL TESTIMONY AND PHOTOGRAPHIC EVIDENCE

The Department presented the testimony of the following medical professionals who examined Andrew Wilson either on the evening of the 14th or within a few weeks thereafter: Dr. Geoffrey Korn, the Mercy Hospital emergency room physician who examined Wilson on the evening of the 14th; Patricia Reynolds Crossen, the Mercy Hospital emergency room nurse who assisted Dr. Korn and independently examined Wilson; Dr. Stephen Goodman, the Cook County Jail physician who examined and treated Wilson during the late morning of the 15th; Dr. John Raba, who was the Medical Director of the Jail and examined Wilson during the early evening of the 15th; and Dr. Harper who examined and treated Wilson from the 15th to March 3. There was medical testimony that the linear marks on Wilson's face, chest and right thigh were consistent with radiator burns occurring on the 14th, though none of them could pinpoint the precise cause of the injuries or the precise time Wilson was injured. In addition, the Cook County Jail doctors found that Wilson suffered from a scratched cornea in his right eye. The contemporaneous photographs of Wilson that are in the record confirm that Wilson had suffered numerous substantial injuries.

C. THE DEPARTMENT'S MEDICAL EXPERT.

Dr. Robert Kirshner is a forensic pathologist and Cook County's Deputy Chief Medical Examiner. He also is a member of the faculty at the University of Chicago Medical School. Dr. Kirshner testified on behalf of Wilson in Wilson's civil action against the Respondents and the City. Dr. Kirshner's medical opinions are based upon his examination of Andrew Wilson's medical records, photographs of Wilson and deposition testimony of various witnesses in the civil action. Dr. Kirshner also conducted a physical examination of Wilson in 1989 and went to Area 2 to examine the radiators in the interview rooms. Dr. Kirshner opined that the linear marks reflected in 1982 photographs of Wilson's cheek, chest and right thigh were consistent with burns and that the punctate marks reflected in 1982 photographs Wilson's right ear are consistent with the alligator clips Wilson testified were placed on his ears. He also testified that the hyperpigmented areas he observed in 1989 on Wilson's face, chest and thigh were consistent with burns, rather than abrasions.

D. BURGE'S ALLEGED TWO OTHER WRONGFUL ACTS

1. MELVIN JONES

Melvin Jones testified that Area 2 Detectives Flood and McGuire arrested him on February 5, 1982, in connection with the homicide of Gregory Mayfield, who was a police informant. Jones, who has been a street gang member, was on parole at the time he was arrested in 1982 and had a long criminal history for a variety of offenses, including armed robbery. At the time Jones testified before the Board in 1992, he was

an inmate in a State Prison, having pleaded guilty to possession of cocaine with intent to deliver.

After his arrest on February 5, 1982, Jones testified that Flood and McGuire took Jones to an interview room on the second floor and handcuffed him to a ring on the wall. Burge, Flood and McGuire unsuccessfully attempted to persuade Jones to confess to the Mayfield homicide. Jones was left alone for awhile and Burge returned with a wooden box, with a double cord. With Flood present, Burge plugged the cord into the electrical socket and began shocking Jones in the genitals and on his right thigh. Jones still refused to confess. The next day, Burge pulled his gun, placed it against Jones' head and threatened to blow his black head off. Burge subsequently hit Jones in the head with a stapler.

The police ultimately charged Jones with unlawful use of a weapon ("UUW"). Jones' attorney, Cassandra Watson, testified that Jones told her on February 10 that Burge and other Area 2 police officers had beaten him and shocked him with an electrical shock device. On April 7, 1982, Watson filed a generic motion to suppress statements Melvin Jones made to police in connection with his UUW charge. This motion made no reference to Burge, officers at Area 2 or electric shock. On May 7, 1982, Watson filed an amended motion to suppress, which specifies allegations of electrical shocking against Burge.

2. SHADEED MU'MIN

Shadeed Mu'Min currently is serving a fifteen year sentence for armed robbery and attempted murder. He also has served time in jail for an armed robbery in Ohio.

Mu'Min testified that he was arrested on October 30, 1982, and taken to Area 2. Burge tried unsuccessfully to persuade Mu'Min to confess to the robbery of a fast food restaurant and a related shooting. Burge left Mu'Min alone for about an hour. When Burge returned, he placed a typewriter cover over Mu'Min's head until he passed out. When Mu'Min recovered consciousness, Burge again unsuccessfully tried to persuade Mu'Min to confess. When Mu'Min refused, Burge placed the cover on Mu'Min's head again and he passed out again. Burge repeated this scenario a third time, but Mu'Min did not pass out. Mu'Min testified that Burge then opened his desk, took out a 44 magnum revolver, put it to Mu'Min's head and clicked it several times. Mu'Min said that he could see a bullet in the chamber of the gun.

III. THE RESPONDENTS' DEFENSE

The Respondents categorically deny that: they coerced Wilson's confession or otherwise mistreated Wilson in any manner while he was at Area 2 on the 14th; they have ever seen any abusive devices similar to the ones described by Wilson in his testimony; or they knew about any police officer physically abusing Wilson on the 14th. They testified that the only injury to Wilson they were aware of on the 14th was a slight cut around his right eye, which they believe he received when he was thrown to the ground during the course of his arrest on the West Side. O'Hara testified that he offered Wilson medical assistance to Wilson shortly after police brought Wilson to Area 2 at about six o'clock in the morning of the 14th, but Wilson declined. O'Hara and McKenna testified that they took an oral statement from Wilson at about 6:50 a.m. in which Wilson confessed to his role in the murders of Fahey and O'Brien. Once they obtained that confession, they focused their attention on apprehending Jackie Wilson,

obtaining the statements of other key people, conducting the afternoon lineup and ultimately reducing Andrew Wilson's confession to writing that evening.

The Respondents vigorously attack the Department's evidence on numerous grounds. We summarize the Respondents' major points of attack and their affirmative evidence as briefly as possible.

A. CONTRADICTIONS IN ANDREW WILSON'S TESTIMONY

The Respondents presented the testimony of Fred Hill, his wife Carolyn and numerous other witnesses, including a Wisconsin motel clerk, that Fred Hill was on vacation in Wisconsin with his family and another family until approximately twelve noon on the 14th. He returned to Chicago by automobile and did not arrive at Area 2 until after Wilson had been transported to Area 1 for the lineup at approximately 3 o'clock. This contradicts Wilson's testimony that Burge and Hill physically abused him before he left for the lineup at Area 1.

Wilson testified before the Police Board that he did not give an oral statement to O'Hara and McKenna when he first arrived at Area 2 sometime after six o'clock on the morning of the 14th, but he admitted giving such a statement in November 1982, at the suppression hearing regarding his confession. There is further corroboration that Wilson gave the statement shortly after he arrived at Area 2 from the testimony of McKenna and Assistant State's Attorney Ginex.

Three Assistant State's Attorneys, the court reporter who took witness statements throughout the day and evening and numerous police officers in addition to the Respondents testified that they were on the second floor at Area 2 at various

times on the 14th, but never heard Andrew Wilson scream out in pain or any other noise suggesting that he was being mistreated. A subset of these witnesses also testified that they actually saw or spoke with Wilson on the 14th, and testified that other than the minor cut around his right eye, Wilson did not look as if he had been mistreated nor did he complain about having been mistreated.

Respondents assert that the photograph taken of Wilson in the lineup at 4:35 on the afternoon of the 14th and the photograph taken by the court reporter at 8:30 in the evening do not show any apparent marks on Wilson's face other than the cut over his eye. The Respondents contend that these photographs are inconsistent with Wilson's testimony that his face was pressed against a hot radiator at Area 2 earlier in the day.

B. SIMILAR ACTS

The Respondents presented evidence that the motions to suppress the confessions of Melvin Jones and Shadeed Mu'Min on the grounds that Burge mistreated them were denied by the courts that heard the motions.

On May 27, 1982, Cook County Circuit Court Judge Roger Kiley began hearing evidence on Jones' motion to suppress. Burge testified at the hearing. Judge Kiley determined that Melvin Jones' allegation that Burge had electrically shocked him lacked credibility. But Judge Kiley granted Jones' motion to suppress on the ground that Burge and other police officers violated Jones' 5th Amendment right to remain silent by continuing to question him after he said he no longer wanted to answer questions.

On October 31, 1985, Mu'Min signed a confession to the robbery and shooting prepared by Assistant State's Attorney Wilbur Crooks. The confession states that Mu'Min had been treated well while he was in police custody. On May 17, 1987, Circuit Court Associate Judge John Mannion heard Mu'Min's motion to suppress his confession on the grounds that the confession had been beaten out of him and the words used in the confession were not his. Burge testified at the motion to suppress. Judge Mannion denied Mu'Min's motion and Mu'Min ultimately was convicted of the crimes related to the robbery and shooting.

The Respondents also presented evidence that Wilson and Jones were incarcerated together in the Cook County Jail from February to September 1992. Based on this evidence, they would have the Board draw the inference that Wilson and Jones collaborated on their stories of mistreatment by Burge.

C. WILLIAM COLEMAN'S TESTIMONY

The Respondents presented the testimony of William Coleman from Andrew Wilson's civil action in 1989. Coleman testified that in August 1987, he was in Cook County Jail for possession of cocaine. Coleman previously had served time in England for an extortion conviction. Wilson also was in Cook County Jail at that time awaiting a second criminal trial for the murders of Fahey and O'Brien. Coleman testified that Wilson told him in August 1987, that although the police beat him on the way to Area 2, Wilson had actually draped himself on the radiator to inflict the burns on himself as a means of getting himself out of the confession. The first time Coleman ever told anyone about his conversation with Wilson was in April or May of 1989, when Coleman told his lawyer, Nicholas Trutkenko, a former Assistant State's Attorney.

D. EXPERT MEDICAL TESTIMONY

The Respondents presented the expert testimony of Dr. Warner Spitz, who is a board certified forensic pathologist and has been practicing medicine for forty years and Dr. Raymond Warpeha, who is Director of the Burn Center at Loyola University Hospital and has treated or managed the treatment for in excess of 6,000 patients. Neither of these physicians examined Wilson in 1982. In formulating their opinions, they relied primarily on photographs of Wilson's injuries and Wilson's medical records, including the notes of various physicians who treated Wilson.

Dr. Spitz testified that in his opinion, the marks visible on Wilson's face and chest in the 1982 photographs of Wilson taken by Dale Coventry, are not consistent with a radiator burn and are not burns of any kind. He also opined that the marks on Wilson's ear are not consistent with a spark burn or any kind of electrical burn. He did testify, however, that the mark on Wilson's thigh was consistent with a second degree burn. Dr. Warpeha's testimony was consistent with Dr. Spitz's testimony, except that Dr. Warpeha testified that the wound on Wilson's thigh was not a burn.

IV. RESOLUTION OF MOTIONS

The Police Board denied each of the following Motions made by Respondents: (1) Motion to Dismiss Based On Laches; (2) Motion to Dismiss Based on Collateral Estoppel; (3) Motion to Dismiss Based on Judicial Estoppel; (4) Motion To Exclude Testimony Of Other Alleged Victims Of Police Misconduct; (5) Motion For A Mental Examination Of Andrew Wilson; (6) Motion To Admit Prior Testimony of Wilson From

his Federal Lawsuit; and (7) Motion For A Mistrial because of Andrew Wilson's asserting his 5th Amendment rights to certain questions asked by Respondents' counsel.

The Police Board granted Respondents Motion To Limit The Testimony Of Dr. Kirschner. The Police Board did not consider Dr. Raba's opinion that Wilson's wounds on his face and near his eyes were self-inflicted in making its decision. The Police Board reaffirmed its decision to grant the Department's Motion To Quash The Subpoena Of Francine Sanders and The Rider To That Subpoena. The Police Board will issue a supplemental opinion explaining its reasons for taking the aforesaid actions in the near future.

V.

RESOLUTION OF THE CASE

It is settled that the Department has the burden of proving its case against the Respondents by a preponderance of the evidence. "A preponderance of the evidence" means proof sufficient to establish that it is more probable than not that each of the Respondents did what the Department has alleged. In re C.C., 224 Ill.App. 3d 207, 215 (1st Dist. 1992).

We observed earlier that witness credibility is a major factor in resolving most excessive force cases, particularly a case such as this where the complaining witness' version of key events is so at odds with the Respondents' version. Each Respondent has served the Department for many years, with distinction and without any significant previous discipline by the Department. Commander Burge had a particularly

impressive group of character witnesses, who included a widely respected former Chicago Police Superintendent and several police officers who currently are serving with distinction at the highest levels of the Department.

In contrast, Andrew Wilson has an extensive record of criminal convictions for violent and heinous crimes, most notably the cold blooded murder of two Chicago police officers. Wilson's criminal record, standing alone, casts a shadow of doubt on his credibility. See Federal Rule of Evidence 609. Two other convicted felons' histories, Melvin Jones and Shadeed Mu'Min, whose testimony was admitted only against Burge, are not much better than Wilson's. Like Wilson, they were incarcerated for felonies at the time they testified in this proceeding. The Board, a priori, has every reason in the world to want to believe the Respondents and dismiss the testimony of Wilson, Jones and Mu'Min as the blatant mendacity of hardened criminals trying to extricate themselves from the sordid circumstances of their own making. We wish we could simply conclude that Wilson lied about having been physically abused at Area 2 to get out of his confession and spread the lie to his physicians, lawyers and jailmates in order to buttress the credibility of his Motion to Suppress and give his fellow inmates a vehicle to suppress their own confessions. We wish we could reach that conclusion and end our opinion here, but we cannot. We move to a resolution of the Department's case against each of the Respondents.

A. WILSON WAS INJURED WHILE IN CUSTODY AT AREA 2

It is undisputed that Andrew Wilson had serious injuries to his face, the back of his head, his chest and thigh by approximately 10:45 p.m. on the evening of February 14, 1982, when he was admitted to Mercy Hospital. It also is not disputed that Wilson

did not have any injuries to his face, head or chest, when he was arrested the morning of the 14th at approximately 5:15 a.m. on the West Side and transported to Area 2. We find that it is more likely than not that Wilson received at least some of these injuries at Area 2, or while in the custody of Area 2 Police Officers, and that the Respondents knew about it and failed to stop it or obtain medical attention for his injuries. We cite the major evidentiary points supporting our view.

First, the Respondents and several other Area 2 police officers testified that Wilson received a minor cut on his face during the course of being arrested. But one of the arresting officers, Deputy Superintendent Joseph McCarthy, testified as follows under cross-examination regarding Wilson's arrest:

Q. And he[Wilson] still didn't have a shirt on, right?

A. That's correct.

Q. When you brought him back up, you didn't notice any injurie (sic) on him; did you?

A. No.

Q. You didn't see any marks or burns or cuts or blood on his chest; did you?

A. No.

Q. You didn't see any on his face or his head; did you?

A. No, I didn't.

Second, Burge supposedly was so concerned at the scene of Wilson's arrest that police officers might physically abuse Wilson that Burge told Yucaitis and other Area 2 officers to treat Wilson with kid gloves, or words to that effect. Despite the fact that the Respondents all claimed that the injury to Wilson's eye was minor, O'Hara testified

that before he and McKenna took Wilson's oral statement at 6:50 a.m., he offered Wilson medical attention for his eye, but Wilson declined it. What Burge characterized as a small "ding" to Wilson's eye was of such significance that Burge brought it to the attention of his commanding officer in Area 2, Milton Deas. Deas testified:

Q. Now, you testified that you learned that Andrew Wilson had sustained an abrasion in the area of his right eye during the course of his arrest; is that correct?

A. That's correct.

Q. Now, why didn't that abrasion when you saw it lead you to think that your detectives were mistreating Andrew Wilson?

A. Well, initially--Pardon me. Initially, when I arrived at the area after the Lieutenant had summoned me, I had a conversation with the Lieutenant at which time the lieutenant indicated to me before I had seen Andrew Wilson that in the course of effecting the arrest of the suspect, he struck his head on a piece of furniture or the floor. I am not too certain now. It may have been a piece of furniture. At which time, he sustained the injury about the area of the right eye.

Subsequent to that, I went upstairs so I had knowledge that there was an injury. So there was no surprise. I had already been informed. Deas Tr. 4191-4192.

This "minor ding" was major enough for O'Hara to claim that he offered Wilson medical attention and Burge to tell his commanding officer about it. But Wilson's eye injury and O'Hara's offer of medical attention were not sufficiently significant for

O'Hara to refer to it in the transcribed statement he took from Wilson at six in the evening. Nor were these details important enough to be included in the 25-page summary of the investigation into the Fahey and O'Brien murders prepared by Hill and McKenna on February 16, and approved by Burge. Defendant Officers' Exhibit 25A. We believe that the totality of these circumstances supports a reasonable inference that Wilson did not incur his eye injury during the course of his arrest. If Burge really had ordered Yucaitis, O'Hara and other Area 2 police officers to treat Wilson with kid gloves, and Wilson had actually injured his eye at the scene of his arrest, we believe the circumstances of Wilson's eye injury would have been reflected in the six o'clock written confession or the murder investigation report or both.

Third, we are extremely skeptical, given the totality of the circumstances that Wilson, a hardened criminal with several previous felony convictions, would have blithely confessed to the double homicide of two police officers without the physical abuse that Wilson testified he encountered from police at Area 2. Wilson's confession ultimately was memorialized that evening by the written statement taken by O'Hara and Assistant State's Attorney Hyman. O'Hara, who was taking the most important confession of his 18 year career, who had asked the question of other witnesses from whom he had taken statements in the investigation, who claims to have anticipated that Wilson's eye injury might need medical attention and who had 12 hours to prepare his questions for Wilson, failed to ask this question. The Illinois Supreme Court ruled that the confession should not have been admitted into evidence during his first criminal trial because the State (not a party in this proceeding) failed adequately to prove that it had been voluntarily given.

Fourth, with the exception of Dr. Warpeha, every physician who testified, including the Respondents' own expert Dr. Spitz, concluded that the mark on Wilson's right thigh was a second degree burn. All of these physicians concluded that the second degree burn was consistent with a radiator burn. This medical testimony corroborates Wilson's testimony that he was burned on a radiator by Burge at Area 2. It is undisputed that Wilson had the thigh burn when Dr. Korn examined him on the evening of the 14th at Mercy Hospital. Thus, the possibility that Wilson received the burn while he was incarcerated on the evening of the 14th is eliminated. That only leaves two possible alternative explanations for the burn other than its having been inflicted at Area 2: the wagonmen and self-infliction.

We reject the Respondents' argument that the wagonmen inflicted the burn on Wilson's thigh. It is undisputed that there was no radiator in the squadrol that the wagonmen used to transport Wilson on the evening of the 14th, first to 11th and State, and then to Mercy Hospital. The Respondents' offered evidence suggesting that the wagonmen could have burned Wilson on a radiator in the hallway on the way to the lock-up at 11th and State. However, a police custodian testified that the radiator at 11th & State was in an open area with a lot of pedestrian traffic. Accordingly, we do not believe the burn occurred there.

We also reject the possibility that Wilson inflicted the burn on himself while he was being held at Area 2. The principal foundation for that possibility is the testimony of William Coleman. Coleman testified that Wilson told him in Cook County Jail in 1987 that Wilson had inflicted the burn on his thigh as a means of supressing the confession. But Coleman testified that Wilson said that he had been "slapped around"

by the police and that he decided "to increase the marks" by placing himself on the radiator. There also is evidence that Coleman received favorable treatment with respect to certain criminal charges, in exchange for testimony against Wilson and his brother in connection with a jail break. We also note that Coleman did not disclose his alleged conversation with Wilson to anyone for almost two years after it occurred. For these and other reasons, we choose not to credit Coleman's testimony.

We must make clear that Wilson did not contend in his testimony, and we make no finding, that any of the Respondents joined in the beating that he testified he received when he first arrived at Area 2 at six in the morning. But we believe that the Department has proven by a preponderance of the evidence that Wilson suffered some of his injuries, particularly his eye injury, after police brought him to Area 2. We also believe that the Department has proven that despite Respondents' knowledge of Wilson's injuries inflicted by police officers at Area 2, the Respondents failed to report them or see to it that Wilson received medical attention.

B. BURGE MISTREATED WILSON

The actual implements of physical abuse that Burge allegedly used against Wilson were not introduced as evidence in this proceeding, and in so far as the record discloses, were never found. We believe, however, that the Department has established by a preponderance of the evidence that Burge physically abused Andrew Wilson. Our conclusion is based upon a careful review of the entire record.

That record included the evidence presented by the Department regarding Burge's alleged mistreatment of Melvin Jones and Shadeed Mu'Min. It is true that in both instances a criminal court judge denied the motions to suppress on the ground that Burge physically abused Jones and Mu'Min in order to extract confessions. However, in the case of Jones, the criminal court judge ultimately granted the motion to suppress on the ground that Burge and other police officers not parties to this action violated Jones' 5th Amendment rights. We believe that the Jones case is particularly probative with respect to Burge.

Moreover, even if we had concluded that Burge did not personally abuse Wilson, Burge must be held responsible for the injuries that occurred to Wilson in Area 2 while Burge was in charge of that Area. Burge supervised the investigation that caused Wilson to be arrested, and the officers who had physical custody of Wilson during February 14th were under Burge's direct command. We believe that Burge did abuse Wilson. In addition, it is beyond debate, in our view, that Burge was in a position to prevent abuse by others, and he failed to prevent that abuse.

C. YUCAITIS DID NOT PHYSICALLY ABUSE WILSON

We find that the Department did not prove by a preponderance of the evidence that Yucaitis participated in physically abusing Wilson. The evidentiary factors supporting our conclusion include the following.

Wilson first identified Yucaitis as someone who physically abused him at the suppression hearing in November 1982, regarding the admissibility of Wilson's confession in his first criminal trial. The written motion to suppress had not mentioned

Yucaitis. At the hearing, Wilson's lawyer asked him leading questions about Yucaitis's involvement, albeit without objection from the State. The testimony was:

Q. Did you recognize any of the police officers who were in that car as people who had come here to testify?

A. Only one.

Q. Do you remember what his name was?

A. No.

Q. Could that have been Yucaitis?

A. Yes, it was Yucaitis. Yes.

Q. After you were in that room for some time, did you talk to Officer Yucaitis?

A. Yucaitis.

Q. Yucaitis. Were you brought out of that room?

A. Yucaitis.

Q. Were you brought out of that room?

A. Yucaitis.

Q. Pardon me?

A. I am trying to figure out.

Defendant Officers' Ex. 112, Tr. 1138, 1144. Thus, Wilson identified Yucaitis only after that identification was suggested by his then attorney. Wilson also seemed uncertain and perplexed when it was suggested to him that Yucaitis abused him. This testimony suggests that Wilson was simply not certain in 1982, when his memory was much

fresher than it was when he testified in this proceeding in 1992, that Yucaitis was one of the persons who abused him.

Given Wilson's tentative identification of Yucaitis and the fact that Wilson did not even name Yucaitis as a defendant in his initial civil lawsuit in 1986, we find that Wilson's identification of Yucaitis is too tentative to support a finding that he participated in the physical abuse of Wilson.

D. ALL OF THE RESPONDENTS KNEW THAT WILSON WAS MISTREATED

Although we have concluded that the Department has not proved that Yucaitis participated in mistreating Wilson, and O'Hara is not accused of such mistreatment, we find that Yucaitis and O'Hara were each aware that Wilson was mistreated. The evidence is overwhelming that Yucaitis and O'Hara were in or near the room or rooms in which Wilson was held in Area 2 during February 14. Under these circumstances, it is substantially more likely than not that each knew that Wilson was being abused.

It is undisputed that Yucaitis left Area 2 at approximately 3:00 and probably would not have known of abuse, if any, that occurred after that time. However, Wilson testified that he was mistreated in the morning. Furthermore, Yucaitis was plainly present when Wilson first arrived at Area 2 and, as we noted above, we are convinced that Wilson's eye injury occurred at that time.

O'Hara was present for the entire day, including the confession in the early evening. Because we have found that Wilson received substantial injuries prior to his confession, including a very visible injury to his eye, we find it implausible that O'Hara did not know of those injuries at or prior to the time the confession occurred.

Finally, because we have found that Burge participated in abusing Wilson, we obviously must conclude that he was aware of that abuse.

VI.

PUNISHMENT

After having reviewed all of the facts and circumstances, including the fact that Burge was a police lieutenant having supervisory responsibility for over 50 police officers, we find that he should be separated from the Department.

After having reviewed all of the facts and circumstances, including the fact Burge was the direct supervisor of Yucaitis and O'Hara, we find that Yucaitis and O'Hara should each serve fifteen months suspension. We find this passage from Judith N. Shklar's book entitled The Faces of Injustice to be particularly instructive:

Public servants are even more likely to be passively unjust, being by training unwilling to step outside the rules and routines of their offices and peers, afraid to antagonize their superior or to make themselves unduly conspicuous. The resulting injustice is not due to natural forces nor to a particularly unjust system, but to many hands in general, who need to be reminded constantly of the consequences of their inaction.

In closing, we strongly urge the Superintendent and the State's Attorney consider using video tapes to record confessions, at least in high profile cases. We certainly are aware that video tapes do not necessarily furnish conclusive evidence, but video tapes

could be useful in preserving confessions, as well as protecting their own personnel from erroneous allegations of coerced confessions.

CHARGES AND FINDINGS

Commander Jon Burge was alleged to have violated the following Rules:

- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5: Failure to perform any duty.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10: Inattention to duty.
- Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

Detective Patrick O'Hara was alleged to have violated the following Rules:

- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 5: Failure to perform any duty.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 10: Inattention to duty.
- Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is

contrary to the policy, orders or directives of the Department.

Detective John Yucaitis was alleged to have violated the following Rules:

- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 5: Failure to perform any duty.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10: Inattention to duty.
- Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

The Police Board of the City of Chicago caused a hearing on these charges against Commander Jon Burge, Detective Patrick O'Hara and Detective John Yucaitis to be had before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on February 10, 11, 12, 13, 19, 20, 21, 24, 25, 26 and 28, 1992, and March 2, 5, 6, 7, 16, 18, 19 and 20, 1992.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing and all exhibits submitted into evidence. Michael G. Berland, Hearing Officer, made an oral report and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its investigation of the charges, finds and determines that:

1. The Respondents, Jon Burge, Patrick O'Hara and John Yucaitis were at all times employed by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon each of the Respondents more than five (5) days prior to the hearing on the charges.

3. The hearing was conducted before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on February 10, 11, 12, 13, 19, 20, 21, 24, 25, 26 and 28, 1992, and March 2, 5, 6, 7, 16, 18, 19 and 20, 1992.

4. Throughout the hearing, each of the Respondents did appear in person and was represented by counsel of his own choosing.

5. Respondents agreed to a consolidation of cases 91-1856, 91-1857 and 91-1858 for the purposes of the hearing.

FINDINGS ON CHARGES AGAINST COMMANDER JON BURGE 

6. The Respondent Jon Burge, Star #338, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

A. Respondent Jon Burge did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, without justification or proper cause, and either alone or in concert with other police officers at Area 2, strike and/or kick and/or otherwise physically abuse or maltreat Andrew Wilson, a person then under Department control; and/or he did cause or aggravate physical injury or injuries to the person of Andrew Wilson.

B. Respondent Jon Burge did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that other police officers at Area 2 were physically abusing or maltreating Andrew Wilson, a person then under Department control, improperly fail to take any action to stop such physical abuse or maltreatment or to report same to the Department, and therefore did impede the Departments effort to achieve its policy and/or goals and/or bring discredit upon the Department.

7. Respondent Jon Burge, Star #338, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

A. Respondent Jon Burge did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, without justification or proper cause, while serving as a lieutenant of police and/or in a supervisory capacity, and either alone or in concert with other police officers at Area 2, strike and/or kick and/or otherwise physically abuse or maltreat Andrew

Wilson, a person then under Department control; and/or he did cause or aggravate physical injury or injuries to the person of Andrew Wilson.

B. Respondent Jon Burge did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, while serving as a lieutenant of police and/or in a supervisory capacity, and after having knowledge or reasonable basis to believe that other police officers at Area 2 were physically abusing or maltreating Andrew Wilson, a person then under Department control, improperly fail to take any action to stop such physical abuse or maltreatment or to report same to the Department, and therefore did fail to promote the Departments effort to implement its policy and/or accomplish its goals.

8. Respondent Jon Burge, Star #338, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 5: Failure to perform any duty.

A. Respondent Jon Burge did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that other police officers at Area 2 were physically abusing or maltreating Andrew Wilson, a person then under Department control, and did improperly fail to take any action to stop such physical abuse or maltreatment or to report same to the Department.

B. Respondent Jon Burge did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Andrew Wilson, a person

then under Department control, have been physically injured, and did improperly fail to promptly provide for or secure medical attention or care for said Andrew Wilson.

9. Respondent Jon Burge, Star #338, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral.

A. Respondent Jon Burge did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that other police officers at Area 2 were physically abusing or maltreating Andrew Wilson, a person then under Department control, improperly fail to take any action to stop such physical abuse or maltreatment, and therefore did violate the provisions of the Chicago Police Department General Order 78-1, including but not limited to Paragraphs III A and III B thereof.

B. Respondent Jon Burge did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that other police officers at Area 2 were physically abusing or maltreating Andrew Wilson, a person then under Department control, and therefore did improperly fail to immediately notify the Department or a supervisory officer of said matter or matters; and/or he did fail to submit a written report concerning such matter or matters to his commanding officer; therefore he did violate the provisions of the Chicago Police Department General Order 82-14, including but not limited to Addendum 2, Paragraph II, A 4 thereof.

C. Respondent Jon Burge did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, while serving as a lieutenant of police and/or in a supervisory capacity, and having knowledge or reasonable basis to believe that other police officers at Area 2 were physically abusing or maltreating Andrew Wilson, a person then under Department control, did improperly fail to initiate a complete and/or comprehensive investigation concerning said matter or matters; therefore, he did violate the provisions of the Chicago Police Department General Order 82-14, including but not limited to Addendum 2, Paragraphs II A 5 and/or II A 6 thereof.

10. Respondent Jon Burge, Star #338, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

A. Respondent Jon Burge did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, without justification or proper cause, and either alone or in concert with other police officers at Area 2, strike and/or kick and/or otherwise physically abuse or maltreat Andrew Wilson, a person then under Department control; and/or he did cause or aggravate physical injury or injuries to the person of Andrew Wilson.

11. Respondent Jon Burge, Star #338, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

A. Respondent Jon Burge did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, either alone or in concert with other police officers at Area 2, engaged in an unjustified verbal and/or physical altercation with Andrew Wilson.

12. Respondent Jon Burge, Star #338, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 10: Inattention to duty.

A. Respondent Jon Burge did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Andrew Wilson had been physically injured, improperly fail to provide for or secure medical care or attention for said Andrew Wilson.

13. Respondent Jon Burge, Star #338, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

A. Respondent Jon Burge did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that other police officers at Area 2 were physically abusing or mistreating Andrew Wilson, a person then under Department control, improperly fail to report said matter or matters to the Department.

FINDINGS ON CHARGES AGAINST DETECTIVE PATRICK O'HARA

14. Respondent Detective Patrick O'Hara, Star #2888, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

A. Respondent Detective Patrick O'Hara did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Jon Burge and/or other police officers at Area 2 were physically abusing or maltreating Andrew Wilson, a person then under Department control, improperly fail to take any action to stop such physical abuse or maltreatment or to report same to the Department; therefor he did impede the Departments effort to achieve its policy and/or goals and/or bringing discredit upon the Department.

15. Respondent Detective Patrick O'Hara, Star #2888, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 5: Failure to perform any duty.

A. Respondent Patrick O'Hara did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Police Lieutenant Jon Burge and other police officers were physically abusing or maltreating Andrew Wilson, a

person then under Department control, improperly fail to take any action to stop such physical abuse or maltreatment or to report same to the Department.

B. Respondent Patrick O'Hara did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Andrew Wilson, a person then under Department control, have been physically injured, improperly fail to promptly provide for a secure medical attention or care for said Andrew Wilson.

16. Respondent Detective Patrick O'Hara, Star #2888, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral.

A. Respondent Detective Patrick O'Hara did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Police Lieutenant Jon Burge and/or other police officers at Area 2 were physically abusing or maltreating Andrew Wilson, a person then under Department control, improperly fail to take any action to stop such physical abuse or maltreatment, thereby violating the provisions of the Chicago Police Department General Order 78-1, including but not limited to Paragraphs III A and III B thereof.

B. Respondent Patrick O'Hara did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Police Lieutenant John Burge

and/or other police officers at Area 2 were physically abusing or maltreating Andrew Wilson, a person then under Department control, improperly fail to immediately notify the Department or a supervisory officer of said matter or matters; and/or he did further fail to submit a written report concerning such matter or matters to his commanding officer, thereby violating the provisions of the Chicago Police Department General Order 82-14, including but not limited to Addendum 2, Paragraph II, A4 thereof.

C. Respondent Patrick O'Hara did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Andrew Wilson had been physically injured, improperly fail to promptly provide for or secure medical care or attention for said Andrew Wilson.

17. The Respondent Detective Patrick O'Hara, Star #2888, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 10: Inattention to duty.

A. Respondent Detective Patrick O'Hara did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Andrew Wilson was physically injured improperly fail to promptly provide for or secure medical care or attention for Wilson.

18. Respondent Detective Patrick O'Hara, Star #2888, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

A. Respondent Patrick O'Hara did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Police Lieutenant Jon Burge and/or other police officers at Area 2 were physically abusing or maltreating Andrew Wilson, a person then under Department control, improperly fail to report said matter or matters to the Department.

FINDINGS ON CHARGES AGAINST DETECTIVE JOHN YUCAITIS

19. The Respondent Detective John Yucaitis, Star #7744, charged herein, contrary to the Rules and Regulations, is guilty in part of violating, and not guilty in part of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

A. Respondent Detective John Yucaitis did not on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, without justification or proper cause, strike and/or kick and/or otherwise physically abuse or maltreat Andrew Wilson, a person then under Department control; and/or, he did not further thereby cause or aggravate physical injury or injuries to the person of Andrew Wilson.

B. Respondent Detective John Yucaitis did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Police Lieutenant Jon Burge, and/or other police officers at Area 2 were physically abusing or maltreating Andrew Wilson, a person under Department control, improperly fail to take any action to stop such physical abuse or maltreatment or to report same to the Department control, improperly fail to take any action to stop such physical abuse or maltreatment or to report same to the Department; thereby, he did impede the Department's efforts to achieve its policy and/or goals and/or thereby bring discredit upon the Department.

20. The Respondent Detective John Yucaitis, Star #7744, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 5: Failure to perform any duty.

A. Respondent Detective John Yucaitis did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Police Lieutenant Jon Burge and/or other police officers at Area 2 were physically abusing or maltreating Andrew Wilson, a person under Department control, improperly fail to take any action to stop such physical abuse or maltreatment or to report same to the Department.

B. Respondent Detective John Yucaitis did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Andrew Wilson, a person under Department control, had been physically injured, improperly fail to promptly provide for or secure medical attention or care for said Andrew Wilson.

21. The Respondent Detective John Yucaitis, Star #7744, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral.

A. Respondent Detective John Yucaitis did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Police Lieutenant Jon

Burge and/or other police officers at Area 2 were physically abusing or maltreating Andrew Wilson, a person under Department control, improperly fail to take any action to stop such physical abuse or maltreatment, thereby violating the provisions of Chicago Police Department General Order 78-1, including but not limited to paragraphs III A and III B, thereof.

B. Respondent Detective John Yucaitis did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Police Lieutenant Jon Burge and/or other police officers at Area 2 were physically abusing or maltreating Andrew Wilson, a person under Department control, improperly fail to immediately notify the Department or a supervisory officer of said matter or matters; and/or he did further fail to submit a written report concerning said matter or matters to his commanding officer, thereby violating the provisions of Chicago Police Department General order 82-14, including but not limited to Addendum 2, paragraph II, A, 4, thereof.

22. The Respondent Detective John Yucaitis, Star #7744, charged herein, contrary to the Rules and Regulations, is not guilty of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

A. Respondent Detective John Yucaitis did not on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, without justification or proper cause, strike and/or kick and/or otherwise physically abuse or maltreat Andrew Wilson, a person then under Department control;

and/or, he did not further thereby cause or aggravate physical injury or injuries to the person of Andrew Wilson.

23. The Respondent Detective John Yucaitis, Star #7744, charged herein, contrary to the Rules and Regulations, is not guilty of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

A. Respondent Detective John Yucaitis did not on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, either alone or in concert with others engage in an unjustified verbal and/or physical altercation with Andrew Wilson.

24. The Respondent Detective John Yucaitis, Star #7744, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 10: Inattention to duty.

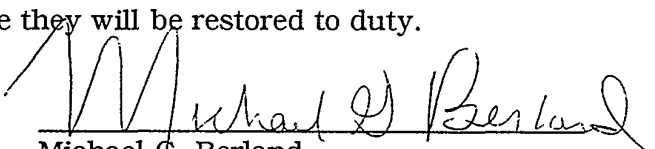
A. Respondent Detective John Yucaitis did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Andrew Wilson had been physically injured, improperly fail to promptly provide for or secure medical care or attention for said Andrew Wilson.

25. The Respondent Detective John Yucaitis, Star #7744, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

A. Respondent Detective John Yucaitis did on or about February 14, 1982 at or in the vicinity of Area 2 Police Headquarters, 9059 South Cottage Grove, Chicago, Illinois, after having knowledge or reasonable basis to believe that Police Lieutenant Jon Burge and/or other police officers at Area 2 were physically abusing or maltreating Andrew Wilson, a person under Department control, improperly fail to report said matter or matters to the Department.

By reason of the findings of fact the Respondent Commander Jon Burge, is guilty ← of violations of Rules 2, 3, 5, 6, 8, 9, 10 and 22, Detective Patrick O'Hara, is guilty of violations of Rules 2, 5, 6, 10 and 22, and Detective John Yucaitis, is guilty of violations of Rules 2, 5, 6, 10 and 22, and not guilty of violations of Rules 8 and 9, cause exists for the separation and discharge of Commander Jon Burge. Detective Patrick O'Hara and Detective John Yucaitis are suspended from their positions with the Department of Police and from the services of the City of Chicago from November 12, 1991 to and including February 11, 1993, at which time they will be restored to duty.


Michael G. Berland
Hearing Officer

DECISION

The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having received the oral report of the Hearing Officer, Michael G. Berland, and having conferred with the Hearing Officer, hereby adopts all findings and;

IT IS HEREBY ORDERED that the Respondent, Jon Burge, by reason of the findings that he is guilty of violating Rules 2, 3, 5, 6, 8, 9, 10 and 22 is separated from his position as a Commander with the Department of Police and from the services of the City of Chicago.

IT IS HEREBY ORDERED that the Respondent, Patrick O'Hara, by reason of the findings that he is guilty of violating Rules 2, 5, 6, 10 and 22 is suspended from his position as a Detective with the Department of Police and from the services of the City of Chicago from November 12, 1991 to and including February 11, 1993.

IT IS HEREBY ORDERED that the Respondent, John Yucaitis, by reason of the findings that he is guilty of violating Rules 2, 5, 6, 10 and 22 is suspended from his position as a Detective with the Department of Police and from the services of the City of Chicago from November 12, 1991 to and including February 11, 1993.

To summarize the vote:

Seven Board members voted to find that the Department proved by a preponderance of the evidence that Burge participated in physically abusing Wilson at

Area 2 on February 14, 1981, and knew about the physical abuse, but failed to stop it, report it and obtain medical attention for Wilson, with Russ Ewert dissenting;

Six Board members voted to find that the Department failed to prove by a preponderance of the evidence that Yucaitis participated in physically abusing Wilson, with Art Smith and Victor Armendariz dissenting;

Six Board members voted to find that the Department proved by a preponderance of the evidence that Yucaitis knew about Wilson being physically abused by police officers at Area 2 and failed to stop it, report it and obtain medical attention for Wilson, with Brian Crowe and Russ Ewert dissenting;

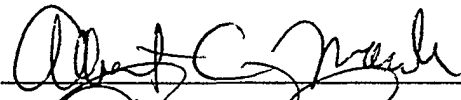

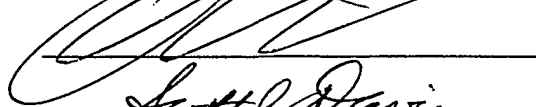
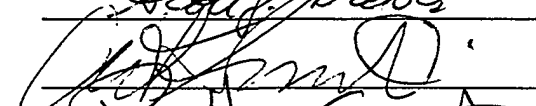

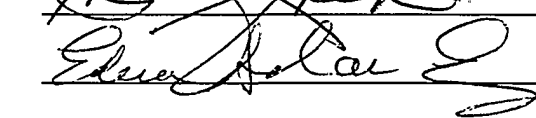
Six Board members voted to find that the Department proved by a preponderance of the evidence that O'Hara knew about Wilson being physically abused by police officers at Area 2 and failed to stop it, report it and obtain medical attention for Wilson, with Brian Crowe and Russ Ewert dissenting;


Seven Board members voted to separate Burge from the Department, with Russ Ewert dissenting;

Six Board members voted to suspend Yucaitis for fifteen months, with Victor Armendariz and Art Smith dissenting because they believed a longer suspension was in order;

Six Board members voted to suspend O'Hara for fifteen months, with Victor Armendariz and Art Smith dissenting because they believed a longer suspension was in order.

DATED AT CHICAGO, ILLINOIS, COUNTY OF COOK, STATE OF ILLINOIS,
THIS 16th DAY OF February, A.D., 1993.


Executive Director of the Police Board

RECEIVED A COPY OF THE
FOREGOING COMMUNICATION

THIS ____ DAY OF _____, 1993.

SUPERINTENDENT OF POLICE

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 3/30/93

TO : DIRECTOR, FBI (44A-CG-78234)
 (ATTN: CIVIL RIGHTS UNIT)

FROM : SAC, CHICAGO (44A-CG-78234) (P) (SQ.12)

SUBJECT : UNSUB(S);
 COMMANDER JON G. BURGE,
 CHICAGO POLICE OFFICER,
 CHICAGO POLICE DEPARTMENT,
 CHICAGO, ILLINOIS;
 [REDACTED] VICTIM;
 CIVIL RIGHTS
 OO: CHICAGO

Re Chicago airtel to the Bureau, dated February 17, 1993.

On March 23, 1993, captioned case was discussed with Assistant United States Attorney (AUSA) [REDACTED] who advised that he is more incline to recommend a declination of prosecution. However, he will discuss the results of this meeting with his supervisor, [REDACTED] before he renders his final prosecutive opinion.

AUSA [REDACTED] further advised that he will check with DEPARTMENT OF JUSTICE (DOJ) Attorney [REDACTED] to see if she has any additional reasons to criminally pursue the case since the statute of limitations has expired and since BURGE has been separated from the CHICAGO POLICE DEPARTMENT.

3 - Bureau
 ② - Chicago
 JLS/jls
 (5) Jly

1*

44A-CG-78234-75

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 30 1993	
FBI - CHICAGO	

Approved: _____ Transmitted _____ (Number) (Time) Per _____

44A-CG-78234-76

SEARCHED	INDEXED
SERIALIZED <i>95</i>	FILED <i>95</i>
FEB 18 1993	
FBI — CHICAGO	
<i>IVR</i>	

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☒ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 2/17/93

TO : DIRECTOR, FBI (44A-CG-78234)
 (ATTN: CIVIL RIGHTS UNIT)

FROM : SAC, CHICAGO (44A-CG-78234) (X) (SQ.12)

SUBJECT : UNSUB(S);
 COMMANDER JON G. BURGE,
 CHICAGO POLICE OFFICER,
 CHICAGO POLICE DEPARTMENT,
 CHICAGO, ILLINOIS;
 [REDACTED] VICTIM;
 CIVIL RIGHTS
 OO: CHICAGO

Re Chicago airtel to the Bureau, dated February 8, 1993.

Enclosed for the Bureau is the original and two (2) copies of a Letterhead Memorandum (LHM) with attached copies of five (5) newspaper articles from three (3) local newspapers dated February 11, 1993, concerning captioned investigation.

Also enclosed is a copy of the Findings & Decision of the CHICAGO POLICE BOARD regarding charges filed against Commander JON BURGE, case number 91-1856, Detective [REDACTED] case number 91-1857, and Detective [REDACTED] case number 91-1858.

One copy of the LHM, with attachments and a copy of the Findings & Decision of the CHICAGO POLICE BOARD was sent to the UNITED STATES ATTORNEY'S OFFICE, Chicago, Illinois.

3 - Bureau (Enc. 4) (with 5 attachments)
 ② - Chicago
 JLS/adw
 (5)

1*

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

19-cv-4048(FBI)-805



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Chicago, Illinois 60604
February 17, 1993

UNSUB(S);
COMMANDER JON G. BURGE,
CHICAGO POLICE OFFICER,
CHICAGO POLICE DEPARTMENT;
[REDACTED] - VICTIM;
CIVIL RIGHTS

b6 -2
b7C -2

On February 16, 1993, [REDACTED] b6 -2,-4,-5,-7
CHICAGO POLICE BOARD, 1121 South State Street, Room 603, Chicago, Illinois 60605, telephone [REDACTED] b7C -2,-4,-5,-7
advised that on February 10, 1993, the Board sustained the CHICAGO POLICE DEPARTMENT (CPD) charges against Commander JON G. BURGE, Detectives [REDACTED] and [REDACTED]. The Board found BURGE guilty of physically abusing [REDACTED] without justification in order to extract a confession. For this, the Board ordered BURGE's separation from his position as a commander with the CPD and from the services of the City of Chicago.

The Board also voted to suspend Detectives [REDACTED] b6 -2,-4,-7
[REDACTED] for failing to stop or report the abuse and for not b7C -2,-4,-7
seeking medical attention for [REDACTED]. The suspension was from November 12, 1991 to February 11, 1993 (15 months).

[REDACTED] advised that the Board's decision was not based on b6 -2,-4,-5
[REDACTED] testimony alone, but on "a preponderance of evidence" b7C -2,-4,-5
that corroborated his testimony. [REDACTED] advised that the Board is only required to reach its conclusion based on "a preponderance of evidence", meaning that a reasonable person who examines the evidence before him would believe that [REDACTED] was physically abused. However, he advised that to convict the officers in a criminal case, the requirements would be much higher, which is, "beyond a reasonable doubt."

3 - Bureau
1 - USA Chicago (AUSA [REDACTED])
2 - Chicago (44A-CG-78234)
JLS/adw
(6)

b6 -3
b7C -3

[redacted] advised that BURGE's attorneys have indicated that they will file a "petition for administrative review" in the Cook County Circuit of Appeals. He added that this is the first step in the sometimes long appeals process. [redacted] stated that CPD Superintendent MATT RODRIGUEZ reduced [redacted] and [redacted] ranks from detectives to patrol officers. However, the FRATERNAL ORDER OF POLICE plans to file a grievance to oppose the demotions.

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.) Page 1
Section 1Chicago Tribune
Chicago, IllinoisDate: February 11, 1993
Edition: North Sports FinalTitle: Police Board Fires
Burge For Brutality

Character:

or

Classification:

Submitting Office: Chicago

Indexing:

Police Board fires Burge for brutality

By Sharman Stein

Acting on one of the most divisive, long-lasting and heated controversies in the history of the Chicago Police Department, the Police Board voted Wednesday to dismiss Cmdr. Jon Burge on charges that he tortured convicted cop-killer Andrew Wilson 11 years ago.

The board, which had considered the case for 15 months, voted at the same time to reinstate Detectives John Yucaitis and Patrick O'Hara as of Friday.

Burge's attorney said the case will be appealed.

Yucaitis, O'Hara and Burge were all suspended without pay in November 1991 after an internal investigation by the police office of professional standards charged Burge and Yucaitis with torturing

Wilson, and O'Hara with knowing about the mistreatment but doing nothing to stop it.

Wilson and his brother, Jackie, were convicted of killing Police Officers William Fahey and Richard O'Brien on Feb. 9, 1982.

Burge is the highest-ranking Chicago police officer dismissed in nearly 20 years. The implications of the case grew more controversial during the past year when Los Angeles erupted into riots after the police officers charged with beating Rodney King were acquitted.

"We found that the [police] department proved by a preponderance of evidence that Cmdr. Burge did physically abuse Andrew Wilson," said Albert Maule, president of the Police Board, during a news conference in his downtown

law offices.

The most convincing fact in the case, Maule said, were the burn marks on Wilson's thigh, corroborating his testimony that Burge had handcuffed him against a radiator.

The board also found convincing, Maule said, testimony from two other criminal suspects who testified that Burge also tortured them while they were in custody.

The board recommended in its

See Burge, pg. 18

Burge

Continued from page 1

opinion that the Police Department and the Cook County state's attorney's office use videotapes to record confessions "at least in high-profile cases" to provide additional information and to "protect its own personnel from erroneous allegations of coerced confessions."

Maule emphasized, however, that the board's findings, made after three months of deliberations, were based on the Wilson case alone. He said the decision was based on the voluminous evidence, records and testimony and not "from out of the streets or TV."

"Andrew Wilson we recognize to be a convicted felon, convicted twice for the murder of two police officers," Maule said. "We combed the records for independent evidence to corroborate his story because he does have such a criminal record. If the case were resting solely on the testimony of Andrew Wilson, it is doubtful we would have reached this resolution."

"We did not make findings on any other cases. This is not an indictment of the entire Police Department."

Board member Russ Ewert, a businessman, cast the only vote against dismissing Burge. Ewert declined to elaborate on his reasoning, saying, "I didn't believe the evidence presented was enough."

John Dineen, president of the Fraternal Order of Police, articulated a sentiment widespread among police officers and their supporters who believed from the beginning of the hearings that the city intended to sacrifice the officers to a public climate hostile toward police officers, especially those involved in racially charged controversies.

The three officers charged with brutality are all white, as were the two officers who were killed. The Wilson brothers are black.

"It is a travesty of justice," Dineen said. "They were thrown to the wolves to appease the public. It sends the wrong message to police officers; the message is you become a political football if you do your job."

"Our reaction is one of disappointment; we do not think that a case was proved on any of them," said Joseph Roddy, one of the attorneys representing the officers.

"We will definitely appeal the findings," Roddy said. That appeal will be filed to the Cook County Circuit Court within the next 35 days, Roddy said.

"This is a case where two Criminal Court juries did not believe the Wilson brothers [during their murder trials]. Two civil juries in the federal courts did not believe the Wilsons when they sued. Now we have the Police Board, who does not see or hear the witnesses, decide the case on the basis of a transcript," Roddy said. "The whole thing is a political circus. Sometimes the loudest voices in the community prevail over reason and sense."

Flint Taylor, the attorney who represented Wilson in his two unsuccessful federal lawsuits against Burge, said justice had finally been done.

"The person in charge of the systematic torture and abuse in the Police Department has been fired," Taylor said.

He said that a report issued in 1991 by two investigators for the office of professional standards cited other instances of abuse in the police ranks.

"We think this is a start, but we think they should clean house of the others and implement the OPS report. We do not feel this is the end of the matter," Taylor said.

Daniel Reidy, the attorney representing the city in its efforts to dismiss the officers, said he believed that the physical evidence corroborating Wilson's testimony was "very significant in making it clear he was abused. . . . In the abstract, it would have been hard to believe Wilson's testimony."

"We are very pleased about

Burge and commend the Police Board for such an unprecedented decision," said Mary Powers, who heads Citizen's Alert, a group that works against police abuse. "It is the first time in 20 years anyone of this rank has been dismissed."

The Police Board, which is made up of nine civilians appointed by the mayor, began conducting its hearings into the dismissal charges in February 1992, after the OPS recommended that the three officers be dismissed. Then-Police Supt. LeRoy Martin agreed.

The hearings lasted for five weeks. The board members, who did not attend the hearings, based their decision on some 4,000 pages of testimony, in addition to thousands of pages of testimony from previous court proceedings, including the initial criminal trials against Wilson for the murders of Fahey and O'Brien.

The charges against the officers had remained unproved after a federal civil trial stemming from Wilson's brutality lawsuit. The officers have never faced criminal charges.

The first federal trial in 1989 ended with a hung jury. In a second trial, the jury found that Burge did not participate in Wilson's mistreatment or permit his officers to conduct torture, but raised questions about the circumstances of the case.

Wilson said that Burge and the other officers tortured and brutalized him during his 17 hours in police custody in the old Brighton Park Area detective headquarters on the South Side, including giving him electrical shocks to his head and genitals, while he was being questioned about the slay-

ings.

He said first Yucaitis and later Burge shocked him by attaching clips to his nose and an ear and cranking a "black box" to produce an electrical current. Wilson said Burge attached the clips to his ears, but that when Wilson nudged off the clips, Burge stretched him across the radiator in the investigation room, handcuffed him in place and reattached the clamps to his little fingers.

In addition to being shocked, Wilson said Burge and others choked him with a plastic garbage bag held around his neck and beat him.

Wilson, then 29, was driving in a car with his brother near 81st and Morgan Streets when he was pulled over by Fahey and O'Brien. In a statement Wilson made to police, which was later disqualified on the grounds it was coerced, Wilson said he grabbed Fahey's gun and shot him once in the head before shooting O'Brien and then shot O'Brien four more times after he fell to the ground.

The brothers were convicted in the killings and are serving life terms in prison without possibility of parole. Andrew Wilson's appeal of his second murder conviction is still pending in the Illinois Appellate Court.

Burge, 44, joined the police force 23 years ago, in March 1970. He is a decorated Vietnam War veteran who was promoted by Martin from lieutenant to an area detective commander during the years that elapsed between Wilson's original charges of torture and Burge's suspension in 1991.

Tribune reporter William Recktenwald contributed to this article.

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.) Page 5

Chicago Sun-Times
Chicago, IllinoisDate: February 11, 1993
Edition: Final Edition

Title: Burge Fired In Torture Case

Character:

or

Classification:

Submitting Office: Chicago

xing:

Burge Fired in Torture Case

Guilty of Abusing '82 Murder Suspect

By Charles Nicodemus
Staff Writer

The Chicago Police Board on Wednesday found Cmdr. Jon Burge guilty of "physically abusing" an accused cop killer 11 years ago and ordered the controversial officer fired from the police force.

Concluding the most celebrated police brutality case in Chicago's recent history, the eight-member board also voted to suspend for 15 months two of Burge's detectives, John Yucaitis and Patrick O'Hara.

Police Board Chairman Albert Maule said the board concluded that the two veteran detectives knew about Burge's Feb. 14, 1982, torture of career criminal Andrew Wilson but failed to stop it, report it or get Wilson medical attention. The board found Yucaitis not guilty of abusing Wilson.

Since the suspensions date back to Nov. 13, 1991, when the department's Office of Professional Standards brought charges, Yucaitis and O'Hara will be eligible to return to duty tomorrow.

Wilson, who was twice convicted of murdering Chicago police officers William Fafhey and Richard O'Brien during a routine traffic stop in 1982, testified at the six-week Police Board hearing last year that he had been tortured to force his confession.

He said he was abused with electrical shocks from a "black box," burned by being pressed against a radiator, suffocated and threatened with a pistol.

Maule said the board took a final vote Wednesday during a closed-door session. He stressed that the board reached its decisions by "a preponderance of evidence," as board procedures require. Jurors in a criminal case must meet the higher standard of being convinced "beyond a reasonable doubt."

Police Supt. Matt L. Rodriguez said in a telephone interview: "There are no winners

in something like this. We will learn from this, and we will be a better police department. All we can do is make certain this doesn't happen again."

Burge, contacted late Wednesday, had no comment. He has denied interrogating Wilson. Mayor Daley said in a statement he supported the decision and added: "We don't condone brutality of any kind."

Maule and other board members said they "felt no pressure" to sustain the Police Department charges against Burge and the two detectives. Wilson's claims had stirred public demonstrations at police headquarters and City Hall and had brought criticism of the Police Department from Amnesty International.

Maule told a press conference late Wednesday that the board would not have upheld the mistreatment charges "based on Andrew Wilson's testimony alone." But he said the board also was convinced by:

- The severe burns that were found on Wilson's thigh, which Wilson said he suffered when he was spread-eagled across a radiator at Area 2 headquarters.

- Testimony from convicts Melvin Jones and Shadeed Mu'mim that they also had been abused while being interrogated by Burge in connection with other crimes.

Police Board member Russ Ewert voted against dismissing Burge but would not explain his vote.

Contributing: *Jim Casey*

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.) Page 4

Chicago Sun-Times
Chicago, Illinois
February 12, 1993Date:
Edition: Final EditionTitle: Cops In Brutality Case
Lose Detective RankCharacter:
or
Classification:
Submitting Office: Chicago

Indexing:

Cops in Brutality Case Lose Detective Rank

By Charles Nicodemus
Staff Writer

Two veteran detectives who served 15-month suspensions in the Andrew Wilson police brutality case will take another "hit" when they return to work today: They've been busted to patrol officers.

Police spokesman William P. Davis said Detectives John Yucaitis, 50, and Patrick O'Hara, 53, are being reduced to "their career rank" by Supt. Matt Rodriguez.

For O'Hara, who has 30 years of service, it will mean a cut in pay from about \$50,500 to \$48,000. For Yucaitis, a policeman for 28 years, the cut is from about \$49,000 to \$46,700.

John Dineen, president of the Fra-

ternal Order of Police, said a grievance will be filed opposing the demotions.

The Police Board ruled Wednesday that both had been aware that Cmdr. Jon Burge had "physically abused" suspected cop killer Wilson during questioning in February, 1982, but had failed to report it or seek medical help for Wilson.

Burge, who was fired Wednesday by the Police Board, will file a "petition for administrative review" in Circuit Court within 35 days, the first step in appealing his dismissal, according to his attorney, Joseph Roddy.

Burge, 45, who had 21 years of service, will be eligible for his pension at age 50, police pension sources said.

In a phone call from the Pontiac Correctional Center, where he is serv-

ing a life sentence for murdering Chicago police officers William Fahey and Richard O'Brien, Wilson told one of his former lawyers, Jeffrey Haas:

"I'm very pleased that Burge was fired and received justice for torturing me. I'm upset Yucaitis" and another officer—not O'Hara—he accused of brutality "are not being fired." Wilson had no comment on O'Hara, whom he never accused of mistreating him.

Rodriguez said Thursday he was "ashamed" of any incident of brutality by his officers but that the Chicago Police Department remains "the best in the country." Mayor Daley said the Police Board action sends the message that police "can't mistreat the public" and that the system for punishing brutality "does work."

(Indicate page, name of newspaper, city and state.) Page 5

Chicago Sun-Times
Chicago, Illinois

Date: February 11, 1993

Edition: Final Edition

(Mount Clipping in Space Below)

METRO

Title: Metro

Character:

or

Classification:

Submitting Office: Chicago

Indexing:



FEB. 9, 1982: Patrol Officers William Fahey (left) and Richard O'Brien are shot to death on the South Side. Andrew Wilson and his brother, Jackie, later are arrested, sign confessions and are convicted despite Andrew Wilson's contention he was tortured.



1983: Police Department's Office of Professional Standards fails to sustain a brutality complaint in the case against Cmdr. Jon Burge and two of his detectives.

AUG. 8, 1989: Burge and two other officers are cleared by a federal jury of civil charges they tortured Andrew Wilson (pictured). But jury says city has an unwritten policy of using excessive force against suspected cop killers.



1982	1983	1984	1985	1986	1987	1988
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NOVEMBER, 1990: Police internal investigation into police torture completed, finds evidence of "systematic" abuse.

DECEMBER, 1990: Amnesty International calls for investigation of Chicago police torture charges.

NOV. 8, 1991: The Police Department, headed by Supt. LeRoy Martin, suspends Burge without pay, along with recommendation by the Office of Professional Standards that he be fired if charges are upheld.



NOV. 25, 1991: Police Board hearing begins, ending in late March, 1992.

FEB. 10, 1993: Burge is fired, and the two other officers are suspended.

1989	1990	1991	1992	'93
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(Mount Clipping in Space Below)

Mayor: Burge ruling could stop brutality

by Chinta Strausberg

Mayor Richard M. Daley and Police Supt. Matt Rodriguez Thursday said the firing of Commander Jon Burge, accused of using torture to elicit confessions, will send a message to stop police brutality.

Among other allegations, Burge is accused of using an electrical "black box" to shock suspects.

Interviewed at the Harold Washington Library during the second day of his educational summit, Daley, who has been under fire from Black and white activists who had accused the mayor of trying to protect Burge, said, "No one should use any type of physical abuse against any citizen in the city, in the state and the nation...."

He praised the board for making a "thorough review...and rendering a decision that was necessary under the circumstances."

Board President Albert Maule made it clear. "These are just three policemen out of more than 12,000 on the force and it is not an indictment of the entire police force," Maule said.

Most officers are hard working and do their jobs."

However, Ald. Robert Shaw (9) said the decision "did not go far enough." He wants criminal charges to be filed against Burge, which according to the police board's 60-page ruling, found him guilty of striking and/or kicking or "otherwise physically" abusing or maltreating murder suspect Andrew Wilson and causing the prisoner injury.

During a taped WMAQ radio talk show scheduled to air Sunday at 9 p.m., Rodriguez told reporters his department has lived through worse scandals and that his department's "tattered image is not as tattered as it might seem." Allegations of police brutality, Rodriguez said, produce "no win-

ners..." He added, "We have a good department. We don't have a department of torturers."

During a WBBM radio taping which will air Sunday at 9:30 a.m., Ald. Edward M. Burke (14), a former policeman, said the ruling "is not good for morale (because) there are many good cops....They got a bad deal...."

Maule said the climate surrounding the arrest of Wilson was a tense one. He said the shooting deaths of the two officers "were the third and fourth murders of law enforcement officers in the city within a two-week period...all in Area 2...resulting in enormous amount of tension...to capture the assailants."

He was referring to Feb. 14, 1982, when accused cop killer Wilson claimed he was tortured by Area 2 police. Burge was commander of detectives at the time.

On Feb. 9, 1982, officers William Fahey and Richard O'Brien stopped Wilson's brown Chevrolet at 2 p.m. in the 8100 block of South Morgan Avenue.

Wilson shot both officers then took their revolvers and sped off. Burge, who was in charge of the Area 2 Violent Crimes unit, took charge of the investigation. Wilson was arrested Feb. 14, 1982. Charging police brutality, Wilson filed a civil lawsuit against the city, the police department and three detectives alleging that one officer used the "black box," an electrical shock torture device, on him.

His charges caught the eye of Amnesty International, which blasted the City of Chicago for not holding hearings and addressing the problem.

The group called on the Illinois attorney general to probe the charges after the "inadequate" investigation by the Office of Professional Standards and held several City Hall press conferences

(See BURGE, page 24)

(Indicate page, name of newspaper, city and state.) Page 3
Chicago Defender
Chicago, Illinois
Date: February 13, 1993
Edition: Vol. LXXXVII, No. 199

Title: Mayor: Burge Ruling
Could Stop Brutality

Character:
or
Classification:
Submitting Office: Chicago

Indexing:

Burge ruling

(BURGE, from page 3)

denouncing the treatment of prisoners and alleged forced confessions.

Finance Chairman Ald. Edward M. Burke (14) held a hearing on Christmas Eve in 1990 but was criticized for selecting a day when many aldermen were on vacation.

Rodriguez said to ignore the ramifications of the board's decision would be tantamount to "hiding your head in the sand" and said the mistakes of the past will help make his department better.

He has appointed a committee headed by Assistant Deputy Supt. Ray Risley of the Internal Affairs Division to look into officers displaying behavioral problems.

He was referring to the 7-1 vote from the Chicago Police Board Wednesday night to fire Burge and to suspend two of his detectives, John Yucaitis and Patrick O'Hara, for 15 months.

The dissenting vote was from board member Russ Ewert, formerly head of the Drexel Bank.

Yucaitis and O'Hara can return to work today.

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/25/93

Assistant United States Attorney (AUSA) [redacted] b6 -3
advised that he is more incline to recommend a declination of b7C -3
prosecution in regards to the JON G. BURGE civil rights case.
However, he will discuss the results of this meeting with his
supervisor, [redacted] before he renders his final
prosecutive opinion.

AUSA [redacted] further advised that he will check with b6 -2,-3
DEPARTMENT OF JUSTICE (DOJ) Attorney [redacted] to see b7C -2,-3
if she has any additional reasons to criminally pursue the
[redacted] civil rights case of which BURGE is one of the
listed subjects. Since the statute of limitation has expired and
since BURGE has been separated from the CHICAGO POLICE
DEPARTMENT.

3/23/93
302
AUSA
DECLINATION
CONSIDERATION

Investigation on 3/23/93 at Chicago, Illinois File # 44A-CG-78234

by SA [redacted] jmc Date dictated 3/23/93


b6 -1
b7C -1

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency;
it and its contents are not to be distributed outside your agency.

19-cv-4048(FBI)-817

Q
ny

44A-CG 78234-77

SEARCHED	INDEXED
SERIALIZED <i>QS</i>	FILED <i>QS</i>
MAR 26 1993	
FBI - CHICAGO	
	<i>J</i>

b6 -1
b7C -1

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ ~~TOP SECRET~~
☐ ~~SECRET~~
☐ ~~CONFIDENTIAL~~
☐ UNCLAS E F T O
☐ UNCLAS

Date 4/27/93

TO : DIRECTOR, FBI (44A-CG-78234)
 (ATTN: CIVIL RIGHTS UNIT)

FROM : SAC, CHICAGO (44A-CG-78234) ~~(P)~~ (SQ.12)

SUBJECT : UNSUB(S);
 COMMANDER JON G. BURGE,
 CHICAGO POLICE OFFICER,
 CHICAGO POLICE DEPARTMENT,
 CHICAGO, ILLINOIS;
 [REDACTED] - VICTIM;
 CIVIL RIGHTS
 OO: CHICAGO

b6 -2
 b7C -2

Re Chicago airtel to the Bureau, dated 3/30/93.

On April 16, 1993, Department of Justice (DOJ) Attorney [REDACTED] telephone number [REDACTED] advised that he was recently assigned captioned case. [REDACTED] advised that after a review of the case, he is inclined to close it, since the incident occurred outside the five (5) year statute of limitations. However, the unresolved allegations regarding [REDACTED] must be addressed.

b3 -2
 b6 -2,-3
 b7C -2,-3

On April 23, 1993, Assistant United States Attorney (AUSA) [REDACTED] advised that he will recommend declining captioned case in view of the fact that JON G. BURGE and two of his detectives [REDACTED] and [REDACTED] were found guilty of physical abuse in another police custody case. Also, captioned allegation occurred outside the five (5) year statute of limitations.

b6 -3,-4,-7
 b7C -3,-4,-7

3 - Bureau
 ② - Chicago
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 (5)

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44A-CG-78234-78

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APR 26 1993	
FBI - CHICAGO	

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

19-cv-4048(FBI)-819

44A-CG-78234

On April 23, 1993, DOJ Attorney [redacted] advised that he will recommend declining captioned case since no evidence was developed to sustain the allegation that [redacted] Civil Rights were violated within the five (5) year limit, nor is there substantial evidence to support the theory of a continuing conspiracy to violate the Civil Rights of other suspects while in the custody of Commander BURGE and/or the Chicago Police Department. [redacted] further advised that he will request Chicago conduct a preliminary investigation into the [redacted] matter.

b3 -2
b6 -2,-3
b7C -2,-3

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/18/93

Assistant United States Attorney (AUSA) [redacted] b6 -3
advised that approximately one month ago he submitted his b7C -3
recommendation to decline the Civil Rights case in which JON G.
BURGE is named as one of the subjects. However, he recently
spoke with Department Of Justice (DOJ) Attorney [redacted]
who advised that he also has submitted his recommendation to
close instant case, and that recommendation is presently going
through the proper channels for closing.

AUSA [redacted] advised that since he has conferred with b6 -3
DOJ, and as a matter of office policy, he will await closing b7C -3
notification from DOJ before advising of his declination in this
matter.

5/17/93
302

Investigation on 5/17/93 at Chicago, Illinois File # 44A-CG-78234

by SA [redacted] Date dictated 5/18/93

b6 -1
b7C -1

44A-G-78234-79

SEARCHED	INDEXED
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FBI — CHICAGO	
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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/5/93

Assistant United States Attorney (AUSA) [redacted] advised that he has forwarded his recommendation to decline the JON G. BURGE civil rights case to his supervisor. Who will review that recommendation, and if he concurs, the case will be declined by the UNITED STATES ATTORNEY'S OFFICE.

b6 -3
b7C -3

Investigation on 5/4/93 at Chicago, Illinois File # 44A-CG-78234 -80by SA [redacted] Date dictated 5/5/93b6 -1
b7C -1

(X)
12/8

44A-CG-78234-80

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 06 1993	
FBI — CHICAGO	
[Signature]	

Memorandum



Subject

Notice of File Closing
CIVIL RIGHTS MATTER

Date

18 MAY 1993

To

Director
Federal Bureau of Investigation

From

James P. Turner, Acting
Assistant Attorney General
Civil Rights Division

Reference is made to your field office file captioned as on
the attached closing form and numbered 44A-CB-78234

This matter has been closed as of the date on the attached form.

Per the Commission,

Close
#4
MAY 21 1993

44A-CG-78234-81

SEARCHED	INDEXED
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MAY 21 1993	
FBI - CHICAGO	

b6 -1
b7C -1

19-cv-4048(FBI)-827

CIVIL RIGHTS DIVISION

Notice to Close File

18 MAY 1993

File No. 144-23-2321 Date _____

Re: UNSUB(S);
Commander Jon G. Burge,
Chicago Police Officer,
Chicago, Illinois Police Department;
[redacted] - Victim
CIVIL RIGHTS

b6 -2
b7C -2

It is recommended that the above referenced matter be closed for the following reasons:

1. Date of Incidents: 1974 - 1985
2. Synopsis of Facts and Reasons for Closing:

This matter involves an investigation into a series of police brutality/torture allegations at Chicago, Illinois Area II Police Station. The investigation eventually centered on Police Commander Jon Burge and two of his command, Detectives [redacted] and [redacted]. The allegations include charges that these police officers gave criminal suspects electrical shocks by attaching alligator clips to various parts of their bodies, then generating current by a hand-crank telephone box. The allegations also include charges that the officers utilized a practice known as "bagging", which is the placing of plastic bags

b6 -4, -7
b7C -4, -7

[redacted]

Attorney

b6 -3
b7C -3

To: Records Section
Office of Legal Administration

The above numbered file has been closed as of this date.

Date

Chief, Criminal Section

FORMERLY CVR-3

FORM CL-3

or typewriter covers tied over the head and around the neck of a suspect, causing him to believe he would be suffocated. Burge, [redacted] and [redacted] reportedly used these tactics, and others, in order to obtain confessions and other information in criminal investigations. b6 -4,-7
b7C -4,-7

These allegations prompted wide-spread media coverage and led to an in-depth Chicago Police Department Office of Professional Standards investigation into the charges. This local investigation resulted in an 88 page Special Report detailing allegations of abuse against the three subjects. The investigation was monitored by the Criminal Section and the FBI in an attempt to develop evidence supporting prosecution of Commander Burge, Detective [redacted] and Detective [redacted] on federal charges for any incident discovered to have prosecutive merit and which occurred within the statute of limitations. The investigation was not successful in developing evidence of any incidents involving Burge, [redacted] and [redacted] alleged to have occurred within the five year statute of limitations. The FBI did receive evidence relative to one incident which occurred within the statutory period, and which appears to have merit, but involving other subjects. As that matter does not involve any of the subjects named in this captioned investigation, it will be investigated further under a different DJ file number.^{1/} b6 -4,-7
b7C -4,-7

This matter was originally closed by Short Form on March 15, 1991, as it appeared that all the alleged incidents occurred outside the five year statute of limitations. When it appeared that the alleged use of torture to exact confessions was not a one time incident, but may have been part of a pattern of behavior on the three officers' part, this matter was re-opened in order to determine whether any incident could be found which occurred within the statute of limitations. No such incident was discovered. This matter lacks prosecutive merit, as the investigation has not developed evidence regarding any federal offenses against the subjects in this matter which occurred within the statute of limitations. With regard to Commander Burge, and Detectives [redacted] and [redacted] the internal investigations "sustained" the allegations against all three relative to their use of torture to obtain a confession of one [redacted] was suspected at the time of having [redacted] After the internal b6 -2,-4,-7
b7C -2,-4,-7

^{1/} That allegation involves the alleged use of [redacted]
[redacted]
[redacted] This matter reportedly occurred on [redacted]

b3 -2
b6 -2
b7C -2

- 3 -

investigation, Commander Burge, a 23 year veteran, was fired from his job, and Detectives [redacted] and [redacted] were suspended from the police force for fifteen months, and were demoted to the rank of police patrolman. As there is no evidence of federal criminal civil rights violations having been committed by these officers within the statute of limitations, this matter should be closed.

b6 -4,-7
b7C -4,-7

Q

44A-CG-7823482

SEARCHED	INDEXED
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FBI — CHICAGO	
	CD

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/21/93

[redacted] Assistant United States Attorney (AUSA), UNITED STATES ATTORNEY'S OFFICE (USAO), Northern District of Illinois, advised that in February, 1991, USAO declined prosecution in the [redacted] civil rights case because the alleged violation occurred outside the five (5) year Statute of Limitations. The case was re-opened by the Department of Justice (DOJ) in April, 1991. In May, 1993, the DOJ closed the case. AUSA [redacted] advised that since it was the DOJ who re-opened the case, it is not necessary to obtain a prosecutive opinion from his office. AUSA [redacted] further advised that he will forward a Memorandum of Understanding from his supervisor, regarding this matter.

b6 -2,-3
b7C -2,-36/18/93
302
DECL.Investigation on 6/18/93 at Chicago, Illinois File # 44A-CG-78234by SA [redacted] dlf Date dictated 6/18/93b6 -1
b7C -1

Memorandum



DeShaw To : SAC, CHICAGO (44A-CG-78234) (SQ. 12)

From : SAC, SPRINGFIELD (44A-CG-78234) (RUC)

Commander JOHN BURGE,
Subject : CHICAGO, ILLINOIS POLICE DEPARTMENT;
[REDACTED] VICTIM
CR
OO: CG

☐ RUC

☒ File Destruction Program

b6 -2
b7C -2

Enclosed ^{is} ~~are~~ 1 item:
These items are forwarded your office since:

- ☒ All logical investigation completed in this Division
- ☒ You were OO at the time our case was RUC'd.

Enclosures are described as follows:

One (1) 1A exhibit containing an original document.

44A-CG-78234-

cl

*82
X1*

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FBI - CHICAGO	

Enc. /

NOTE: DO NOT BLOCK STAMP ORIGINAL ENCLOSURES.

19-cv-4048(FBI)-835

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/28/93

Assistant United States Attorney (AUSA) [REDACTED]
UNITED STATES ATTORNEY'S OFFICE (USAO), Northern District of
Illinois, provided a copy of an USAO Memorandum dated June 22,
1993, which states that since it was the Department of Justice
who re-opened and closed the JON BURGE Civil Rights case on May
18, 1993. His office will also consider the case closed.

b6 -3
b7C -3

A copy of instant memorandum is attached and made a
part hereto.

5/18/93

USAO

DECLINATION

DOJ
ST. of LMS.

Investigation on 6/25/93 at Chicago, Illinois File # 44A-CG-78234-83

by SA [REDACTED] Date dictated 6/28/93

b6 -1
b7C -1

44A-C278234-83

SEARCHED	INDEXED
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JUN 25 1993	
FBI -- CHICAGO	
<i>CMO</i>	

Memorandum



Subject

Jon Burge
USAO No. 91,11734

Date

June 22, 1993

To

[redacted] S/A
Federal Bureau of Investigation

From

[redacted]
Assistant U.S. Attorney

b6 -1,-3
b7C -1,-3

As you know, the Civil Rights Division of the United States Department of Justice opened an investigation into allegations of police brutality by former Chicago Police Commander Jon Burge and certain detectives under his command. On May 18, 1993, the Civil Rights Division declined this matter. See attached Notice to Close File No. 144-23-2321. Since the Civil Rights Division has declined this matter, it is now closed.

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1417740-0

Total Deleted Page(s) = 160

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Page 134 ~ b3 - 1; b6 - 4; b7C - 4;
Page 135 ~ b3 - 1; b6 - 2,-4; b7C - 2,-4;
Page 136 ~ b3 - 1; b6 - 4; b7C - 4;
Page 137 ~ b3 - 1; b6 - 2,-4; b7C - 2,-4;
Page 138 ~ b3 - 1; b6 - 2,-4,-7; b7C - 2,-4,-7;
Page 139 ~ b3 - 1; b6 - 2,-4; b7C - 2,-4;
Page 140 ~ b3 - 1; b6 - 2,-7; b7C - 2,-7;
Page 141 ~ b3 - 1; b6 - 2,-4,-7; b7C - 2,-4,-7;
Page 142 ~ b3 - 1; b6 - 2,-4,-7; b7C - 2,-4,-7;
Page 143 ~ b3 - 1; b6 - 2; b7C - 2;
Page 144 ~ b3 - 1; b6 - 2,-7; b7C - 2,-7;
Page 145 ~ b3 - 1; b6 - 2; b7C - 2;
Page 146 ~ b3 - 1; b6 - 2; b7C - 2;
Page 147 ~ b3 - 1; b6 - 2,-7; b7C - 2,-7;
Page 148 ~ b3 - 1; b6 - 2; b7C - 2;
Page 149 ~ b3 - 1; b6 - 2; b7C - 2;
Page 150 ~ b3 - 1; b6 - 2,-4,-7; b7C - 2,-4,-7;
Page 151 ~ b3 - 1; b6 - 2,-4,-7; b7C - 2,-4,-7;
Page 152 ~ b3 - 1; b6 - 2,-4,-7; b7C - 2,-4,-7;
Page 153 ~ b3 - 1; b6 - 2,-4,-6,-7; b7C - 2,-4,-6,-7;
Page 154 ~ b3 - 1; b6 - 2,-4,-6,-7; b7C - 2,-4,-6,-7;
Page 155 ~ b3 - 1; b6 - 2,-4,-6,-7; b7C - 2,-4,-6,-7;
Page 156 ~ b3 - 1; b6 - 2,-4,-7; b7C - 2,-4,-7;
Page 157 ~ b3 - 1; b6 - 2,-4; b7C - 2,-4;
Page 158 ~ Duplicate;
Page 159 ~ b3 - 1; b6 - 2,-4,-7; b7C - 2,-4,-7; b7D - 1;
Page 160 ~ b3 - 1; b6 - 2,-4; b7C - 2,-4;
Page 161 ~ b3 - 1; b6 - 4; b7C - 4;
Page 162 ~ b3 - 1; b6 - 2,-4,-6,-7; b7C - 2,-4,-6,-7;

Page 163 ~ b3 - 1; b6 - 2,-4,-7; b7C - 2,-4,-7;
Page 164 ~ b3 - 1; b6 - 2,-4,-7; b7C - 2,-4,-7;
Page 165 ~ b3 - 1; b6 - 2,-4; b7C - 2,-4;
Page 166 ~ b3 - 1; b6 - 2,-6; b7C - 2,-6;

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X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

44A-CG-78234-Sub A-1

JS

JS



JS Copy

b6 -1
b7C -1

1.8 June

United States District Court

NORTHERN

DISTRICT OF

ILLINOIS

TO:

[Redacted]

SUBPOENA TO TESTIFY BEFORE GRAND JURY

b3 -1

SUBPOENA FOR:

[Redacted]

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

PLACE Dirksen Federal Building
219 South Dearborn
Chicago, Illinois 60604

ROOM Grand Jury
Room 1625

DATE AND

[Redacted]

[Redacted]

b3 -1

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

[Redacted]

b3 -1

RECEIVED
INTERNAL AFFAIRS
DIVISION

11 JUN 91 12 15

☐ Please see additional information on reverse

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK

DATE

[Redacted]

b3 -1

(BY) DEPUTY CLERK

[Signature]

This subpoena is issued upon application
of the United States of America

NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY

[Redacted]
Assistant United States Attorney
219 South Dearborn - 1500
Chicago, IL 60604 [Redacted]

b6 -3

b7C -3

*If not applicable, enter 'none.'

To be used in lieu of AO110

19-cv-4048(FBI)-844

FORM OBD-227
JAN. 86

REPLY REQUESTED		ACTION REQUIRED	
YES	NO	YES	NO

1991